HRCC Human Rights Quarterly Report, May 15 – August 31 2000

The HRCC Human Rights Quarterly Report is based on the regular and special reporting of inter-governmental and non-governmental organisations. The aim of the Report is to provide a concise overview of human rights issues, cases and trends affecting the overall human rights situation in Bosnia and Herzegovina during the reporting period. Questions on specific items should be directed to the reporting organisation or to the HRCC. Please send information for inclusion in the report to 387-71-447-420 to the attention of Jayson Taylor, Sirpa Rautio, or Eric Frejabue, or by e-mail to jayson.taylor@ohr.int,sirpa.rautio@ohr.int, or eric.frejabue@ohr.int

- **While the rate of implementation of property legislation increased steadily, but slowly, the rate of implementation of decisions remain slow**
- **International monitors report 98 incidents directed against minorities, particularly in Eastern RS**
- **Recent developments in Herzegovina-Neretva Canton effectively put an end to the existence of parallel judicial structures**
- **Governments of both entities endorse the agreement on implementation of pension and disability insurance**

Right to Return / Right to Property

Implementation of the Property Legislation:

2. ***General Trends***: During the reporting period the rate of implementation of property legislation increased steadily, but slowly. While the rate of decisions has increased, particularly in the Federation, the rate of implementation of decisions remains slow. To date, only 13% of applications have been implemented. Most municipalities are now issuing decisions on a regular basis, however, in some municipalities, particularly Croat-controlled municipalities in Cantons 7, 8 and 10, there has been little or no progress on implementation. Few housing offices issue decisions in chronological order, thereby creating a non-transparent decision-making procedure.
3. The identification of alternative accommodation remains a significant obstacle in the process of increasing implementation rates as few municipal/government officials fully undertake their responsibilities related to identifying suitable accommodations. The officials uniformly fail to catalogue and publish the list of unclaimed socially owned property for use as alternative accommodation. This failure invalidates the oft-used “lack of space” as justification for non-implementation and by itself constitutes a reporting violation under law. Other obstacles include: cancellation and postponement of scheduled evictions by housing officials; failure to adequately address double occupancy cases, particularly cases involving government officials and prominent local individuals; non-implementation of CRPC decisions; and reallocation of private and socially-owned property to individuals not entitled to alternative accommodation.
4. ***Federation Progress***: Overall implementation of property laws in the Federations currently stands at 18%, with roughly 46% of applications receiving decisions. Implementation of property laws is proceeding most smoothly in **Cantons 1 (Una Sana)** and **6 (Central Bosnia)**. In **Canton 6**, the implementation rate is roughly 37%, and decisions have been issued on over 50% of applications. In Canton 1, the implementation rate has risen to almost 30%. Problems persist in **Cantons 7 (Herzegovina-Neretva)**, **8 (West Herzegovina)** and **10 (Herzeg-Bosnia)**, where the implementation rates are 9%, 2% and 6%, respectively. In **Sarajevo Canton**, there has been no real progress over the last several months, where the implementation rate remains relatively unchanged. Particularly troublesome Federation municipalities include: **Olovo; Jajce; Capljina; Mostar Central Zone; Mostar South; Mostar South West; Mostar West; Stolac; Ljubuski; Centar/Stari Grad Sarajevo;**

Vogosca/Ilijas Sarajevo; Bosansko Grahovo; Drvar; and Glamoc.

5. ***Croat-controlled areas remain slowest to implement property laws***: Despite recent signs of improvement in **Mostar West**, there has been little progress in property law implementation in Croat- controlled municipalities of Cantons 7, 8 and 10. In recent weeks, **Mostar West** housing officials have implemented several evictions, a trend that will hopefully continue. The **Mostar South West** municipality finally appointed an Enforcement Officer to the Housing Office where no decisions have been implemented yet. Similarly, there have been no decisions implemented in **Mostar South**. Despite some administrative restructuring, no real progress has been made in **Stolac** or Capljina. In *Drvar*, after an initial postponement, the first scheduled eviction took place in August.
6. ***Implementation in the RS Remains Slow***: Despite some identifiable progress, implementation remains slow throughout the RS, with the rate remaining only half that of the Federation. In the past, the lack of financial resources for the Ministry of Refugees and Displaced Persons (MRDP) stood as a major impediment. This situation should improve with increased operating resources provided by the International Community. However, implementation remains unacceptably low in municipalities where the most numerous claims have been filed, including: **Banja Luka; Bijeljina; Doboj; Modrica; Bosanski Novi/Novi Grad; Prijedor; Foca/Srbinje; Srebrenica; Teslic; Visegrad; and Zvornik**. MRDP officials continue to complain about the lack of alternative accommodation, but have taken few ameliorative steps. The August resignation of the Minister Dragicevic at the request of the International Community will hopefully allow for a successor with a greater commitment to property legislation implementation.
7. ***Reconstructed Mosque in the RS***: The first reconstructed mosque in the RS was officially opened in the return village of **Kozarusa** in **Prijedor** municipality without incident. Approximately 3,500 Bosniaks attended the event including the deputy head of the Islamic community in BiH and the Banja Luka mufti. During the war all of the mosques I the RS were completely destroyed (except for the mosque in **Mrkonic Grad**) which was heavily damaged, and in many cases all traces of the mosques were removed.
8. ***Elected Officials and Local Police***: Since the introduction of the PEC (Provisional Election Commission) Rule 7.16 in December 1999, 52 individuals were stricken as candidates or barred from holding office. PEC Rule 7.16 bars officials from holding office if they occupy property where an administrative decision, CRPC decision, or Court decision remains outstanding. An additional 10 were removed after the municipal elections. In the elections planned for autumn 2000, the same rule will apply to the highest officials in the country, from Canton governors to the national Parliament. UNMIBH has adopted a policy whereby police officers that are double or illegal occupants face removal from the police if they do not vacate the property within one month from the issuance of identification cards. Since entry into force of this policy, more than 200 police officers have voluntarily vacated the property they occupied and UNMIBH removed one police officer due to failure to vacate illegally occupied property. Moreover, the policy demands that police officers with temporary occupancy rights set an example by vacating, within the legal deadline, property they do not own, thereby strengthening public trust in its law enforcement agencies.
9. ***Non-Compliance Reports***: Through the multi-agency Property Legislation Implementation Plan (PLIP), Non-Compliance Reports have been standardized to cover abuses of property legislation by housing officers and other government officials. Some 20 reports have been collected thus far. The reports detail violations of the property laws and form the basis initiating domestic prosecutions, or in the most grievous cases, removals from office via joint decisions of the OHR and OSCE.
10. Following a January 2000 audit demonstrating that the Housing Department failed to implement the property legislation UNMBiH developed a 60-Day ***Housing Action Plan*** for ***Srpsko Gorazde***. An International Special Advisor was appointed on 8 June for the implementation of a

60-Day project prioritizing various property cases. The cases were resolved, a database created and the Housing Department staff received training on its use and update. Regular meetings are now held and the Housing Department has begun exchanging information with other Municipalities.

11. Despite the initial reluctance to accept the Special Advisor and some attempts to obstruct the implementation of the project from the political authorities in the area, the Housing Department has issued 134 decisions and enforced 15 evictions. As the number of double occupancy cases was relatively low and most of the housing units in Srpsko Gorazde are private property, many of the decisions issued pertain to cases where the current occupant are entitled to alternative accommodation and are therefore given 90 days to vacate. Further measures are being discussed to ensure an adequate follow up and identification of alternative accommodation to support future decisions.
12. Additionally, the Local Police Station in Srpsko Gorazde must be relocated under the pending repossession claim of the pre-war owner. The eviction was scheduled for the 17 August but the authorities and the owner agreed to a two-month extension to vacate, in exchange for rent.

Statistical Update:

Number of	**Federation**	**RS**	**BiH**
Claims	119,032	106,263	225,295
Decisions	54,570 (46%)	23,409 (22%)	77,979 (35%)
Repossessions	21,868 (18%)	8,515 (8%)	30,383 (13%)

The statistics are current until end of June 2000. These numbers do NOT include Brcko. These figures are based on the self-reporting of municipalities, and only provide a general indication of trends.

Right to Return / Visits, returns and return related incidents

[This section focuses on return-related information which is significant from a human rights perspective] [1]

12. ***General:*** During this reporting period international monitors report 98 incidents directed against minorities; according to UN IPTF statistics, 58 incidents took place in the RS, in particular Eastern RS, and 40 in the Federation. As of March 2000, the international police monitors received about 200 reports on incidents targeting minorities. These incidents include explosions, fires, shootings, damage to property, and verbal harassment/physical harassment against minority returnees and residents. Despite the high number of incidents reported the identification and subsequent prosecution of perpetrators remains elusive due to police inaction and the reluctance of witnesses to provide testimony.
13. Following investigations of various incidents, the international Community concluded that many incidents, like those that occurred in the Eastern RS municipalities, were not spontaneous, but instead were organised and carried out by followers of various political factions.
14. Despite the continued attacks on minority returnees the returns have continued to increase. The RRTF reports that over 19,751 minority returns took place through August 8 2000. The increase in returns is at least partly attributed to the strict implementation of property laws as displaced persons in both entities realise that they can not continue to occupy someone else's property. Many of the returnees are reportedly evictees from the Federation or residents of collective centres. There is increased frustration and anger about the perceived lack of reconstruction assistance. Those in the process of return often live under very difficult

conditions in tent settlements or alternative accommodation awaiting reconstruction assistance. The return of Bosnian Serbs to the Federation remains slow, but some increased interest is evident. Similarly, the return of Bosnian Croats to BiH from Croatia also continues at a slow pace.

In the Republika Srpska:

15. On 24 July violence erupted in the village of ***Janja*** near ***Bijeljina*** during attempts to evict displaced Bosnian Serbs. Approximately 250 Bosnian Serb protesters gathered in an attempt to stop the lawful eviction of two Bosnian Serb families. After the intervention of the local authorities, the crowd started to disperse. An incident then took place involving a Bosniak man and 2 Bosnian Serb women causing the group to gather again and the escalation of the situation into violence, including the detonation of a device that injured several people. The violence, which continued for three days, resulted in 10 persons being injured, including minors, the torching of three houses and at least 15 other houses with varying levels of damage.
16. Independent investigation of the event by international police monitors suggests that the Janja police failed to take adequate precautionary measures despite reports that the local residents were being rallied to block the scheduled eviction. Further, at the outset of the demonstrations, which were peaceful, the Janja Police failed to strategically place officers in a manner that would have ensured that the crowd dispersed in orderly fashion. Following the outbreak of violence, the Janja Police again failed to react quickly to request reinforcements necessary to quell the unrest. Although 10 criminal charges have been filed against five Bosnian Serb suspects in the days that followed, police investigations have been marked by glaring omissions in the investigation. The Janja police failed to take statements of minority witnesses and officers; failed to question a Bosnian Serb community leader mentioned in police reports of the incidents; and failed to interview the members of fire brigade who were prevented from extinguishing the fires. The police also failed to request contemporaneous video footage that may exist with the local media. Finally, the misdemeanor charges filed against the five suspects believed to have instigated the violence appear to be inappropriately lenient given the given facts cited in the charging instrument.
17. As early as in June there had been serious incidents targeting returnees in ***Janja***. On 13 June, a former Bosniak municipal councilor and a returnee to Janja was beaten up and on 26 June a bomb was thrown on to a truck belonging to a Bosniak family about to be reinstated to their property.
18. Several incidents of violence were also reported against minority returnees in the municipality of ***Prnjavor***. During the early morning hours of 27 June, a Bosniak returnee couple from Zenica were the target of a grenade attack after receiving threatening phone calls. No injuries were reported. Some criminal proceedings have progressed during this reporting period including the arrest and subsequent conviction of 3 suspects in a July 2000 grenade attack against a Bosnian Croat. In a related development in Prjnavor, a male Serb was convicted for detonating an explosive device in a Bosniak café/business premise in Prjnavor in April l999. The Prjnavor municipal court convicted him on charges of causing general danger and possessing explosive devices. The defendant was sentenced to one year in prison and ordered to pay a fine[2].
19. In ***Srebrenica*** municipality, there were several cases of arson during the period. In May, two houses were damaged; in June, four houses were burnt followed by two more arson attacks in July. After some hesitation, the Mayor of Srebrenica accepted the SFOR's offer to deploy its arson unit to aid in the investigation. Despite the arson attacks, the returns/housecleaning activities in the rural area of Suceska, Srebrenica that began in June, continued on an increased pace in July. The house cleaners were living in tents initially during the reconstruction of a house to be used as a collective buffer accommodation. The first return to Srebrenica, that took place in April (an elderly man who returned to town center) was followed by a second return in May. Also, the wife of the first returnee left the Federation and joined her husband in

Srebrenica.

20. On 23 May, 93 persons began housecleaning in ***Milici*** municipality, probably the most receptive municipality for return in this economically depressed region given the favourable security and socio-economic conditions.
21. On 11 May a serious incident took place in ***Bratunac***. Approximately 250 Bosniak women from the "Mothers of Srebrenica and Zepa enclaves" were travelling in four buses to Srebrenica, when a group of Bosnian Serb displaced persons stopped them, stoned the buses in order to prevent the visit.
22. Following an initial breakthrough of 29 returnees to ***Zepa*** in April, over 100 returnees began moving back from the Federation. Approximately 120 persons travelled to Zepa on 3 May to begin overnight stays within the Zepa area. Also, the first returns to ***Visegrad*** began on 27 May with approximately 150 persons visiting their destroyed houses and 29 others who remained overnight.
23. In ***Zvornik***, there were two incidents of rockets being fired; one in May and one in July. On 25 July four rockets were fired at the house occupied by international Military monitors in Cer. Three rockets hit and destroyed a bedroom on the first floor of the building. However, the occupants were on vacation at the time of the attack. On 28 July, an explosive device was thrown and damaged an unoccupied property near Zvornik town center and on 29 July, in Papraca, Sekovici municipality an explosive device damaged a property which had been occupied by Bosniak family since March 2000. There were no injuries in these attacks.
24. Approximately 300 returnees are staying over night in seven different locations in Foca/Srbinje, and represent the largest number of self-organised return sites in the Eastern RS. Several security incidents were reported in June. On 16 June, ***Han Pijesak*** municipality hosted a shelter project hand over ceremony. More than 50 housing units were reconstructed in three locations and most of the families have already re-occupied their reconstructed homes. Additionally, a primary school and an ambulanta (health care centre) were also reconstructed.
25. In ***Prijedor*** municipality, some 50 families returned in June and 70 families in July, including to the Stari Grad of Prijedor, one of the most sensitive return areas in the municipality.
26. The postponed visit by Bosnian Serbs to Vozuca on 1 June led to violent reactions and roadblocks by the same group in ***Kotorsko*** against the visit of Bosniaks to clean their houses. Eventually the tensions were diffused and the housecleaning in ***Kotorsko*** resumed without significant problems. The organised returns of Roma families to their pre-war places of residence in and near ***Modrica*** town continued in June. Up to 50 families have returned (under the auspices of the Coalition of Return) and are living in the ruins of their homes, in tents or under plastic sheeting in desperate conditions. The returnee communities include a number of minors and extremely vulnerable elderly members.
27. In ***Derventa*** municipality, there were also several incidents in June, including shooting incident and the mining of a chapel in Modran, which was destroyed in the attack.
28. In June, there were assessment visits of Bosnian Croat displaced persons to various locations in the municipalities of ***Banja Luka, Prijedor, Teslic and Doboj, (RS)***.

In the Federation:

29. The movement of Bosnian Serbs to the Federation has remained below expectations, although increasing interest is evident in some areas. Evictions in Bocinja village, where a closed conservative community of Muslims, including Bosnians of foreign origin (so called Mujahedeens) are living, will reduce security concerns encouraging Bosnian Serbs to return to ***Maglaj*** municipality. In ***Maglaj***, the first group of Bosnian Serbs returned to their reconstructed houses in Parnica and Jablanica. The new Mayor of Maglaj is supportive and is encouraging more Bosnian Serbs to return. Also, some displaced Bosnian Serbs currently in Bijeljina have expressed interest to return to Tuzla municipality; however, the pull factors and pressure to stay continue to be strong impediments to returns. Spontaneous returns continue in ***Canton 1***

at a steady pace, with the number of registered minority (mainly Bosnian Serb) returns doubling from May to June, (366 and 611 individuals respectively).

30. In Canton 10, more than 100 Bosnian Serbs returned to the municipalities of Livno, Kupres and Glamoc during the month of May. However, there were several security incidents in Glamoc targeting returnees.

Rule of Law – Law Enforcement and Judiciary

31. ***Police Misconduct and Inaction***. There has been some progress in the follow up to the re-investigation of the Liska Street- incident that occurred in Mostar on 10 February 1997. During the incident, Bosnian Croat police officers fired upon a group of Bosniak civilians at a graveyard, killing one and injuring twenty. The subsequent police investigation was inadequate, politically and racially biased, and followed by a farcical trial. International police monitors conducted an independent investigation at that time and presented their findings to the BiH Ombudsperson. The Ombudsperson found that the police officers had violated Article 3 of the European Convention of Human Rights and called upon the appropriate authorities to conduct a rigorous and impartial re-investigation followed by appropriate prosecution by the authorities.
32. For two years thereafter the local authorities failed to comply with the recommendation to re-investigate the case. In April 1999, at the request of the OHR, UNMIBH/IPTF assisted the Cantonal authorities in establishing a joint Bosniak/Bosnian Croat investigation team and has monitored their investigation. Despite ethnic alliances, political pressure and the lack of material and forensic evidence of the murder, the investigation team submitted a substantial case to the Mostar municipal prosecutor. In August 1999, the prosecutor instructed the investigative judge to conduct a judicial investigation against five suspects for the criminal act of endangering the safety of persons and property. The charge carries a maximum sentence of eight years imprisonment. However, the lack of qualified criminal law judges at the municipal court level and the ongoing transition of the Canton 7 judiciary meant that the judicial investigation could not commence.
33. In May 2000, the judges were finally appointed and the case was assigned to a qualified criminal law judge soon thereafter. During the reporting period, two sessions of the judicial investigation were held where all suspects attended. The investigative judge has now taken steps to interview all witnesses and injured parties in the coming sessions.
34. A 45-year old woman was found murdered last August in the woods of Gorjni Rahic. The Canton 3 public prosecutor decided to close the case following an investigation by local police that was littered with deviations from standard criminal procedure. Upon closing the case the prosecutor opined that the police had not undertaken a thorough and appropriate investigation.
35. At the request of UNMIBH/IPTF, the local police established a new investigation team supervised by the newly formed Brcko District police. The re-investigation commenced in earnest in the beginning of March 2000 and involved a complete review of documents previously received; a thorough inspection of the original crime scene; further examination of the existing evidence, including specific forensic tests on items obtained during the initial investigation. Re-interviews were conducted with all possible witnesses and police officers involved in the first investigation
36. During the reporting period, one of the main suspects confessed to the murder in the presence of local police and international police monitors, who attest to the voluntary nature of the confession. The suspect later corroborated his confession before investigative judge thereafter. The appropriate judicial procedure has now been activated. Additionally, the team leader from the first investigation was served a non-compliance report and was the subject of an internal investigation. He resigned prior to an impending suspension. The investigative judge who initially directed operations at the crime scene last August was also served with a non-compliance report. International police monitors continue to follow the internal investigation is

currently underway in the Canton 3 Interior Ministry. Of particular concern are the facts and circumstances surrounding the suicide of one suspect initially interviewed by the Canton 3 police where harassment and assault by police is alleged.

Violence against Women:

37. The tragic consequences of lack of appropriate police action are exemplified by the three domestic violence cases that were investigated by the UNMIBH/IPTF international police monitors during this reporting period. They demonstrate the perception of law enforcement agents that incidents within the domestic sphere do not require their action.
38. In each case the victims all died; two committing suicide and one killed by her husband. In one of the cases, the police answered a call from the victim and upon arrival at the house noticed injuries on the woman and her juvenile daughter but simply offered to take her to the hospital. She eventually committed suicide. In the other case resulting in suicide, it is alleged that the husband had severely assaulted his wife precipitating stillborn childbirth. In the third case, the husband had returned home intoxicated and after his wife threatened to call the police he pulled out a grenade and detonated it. Both the husband and wife died, in front of their children.
39. In each of these cases the victims reported previous incidents of harassment and physical intimidation to the police. Investigations were not conducted nor were arrests made after police characterization of the assault as involving only light bodily injuries and thereby only actionable upon a personal complaint. This in itself is a violation of domestic criminal procedure. In both the RS and Federation the police must not and cannot determine what charges/crimes have been committed and must leave it up to the prosecutor. The failure of local authorities to effectively respond and investigate these incidents contributed to the loss of life.
40. In a welcome departure from past police and judicial practice concerning domestic violence cases, an alleged perpetrator of domestic violence is now defending charges of imperiling the security of a cohabitant, spouse or parent of child (article 190(3) Federation Criminal Code) in front of a Zenica municipal judge. The accused is alleged to have mistreated, harassed, intimidated and assaulted his wife over a period of four years in Zenica. Initially, the local police were reluctant to intervene in what they considered to be a private dispute, and were ready to respond only if a personal complaint was lodged to the prosecutor. Upon the insistence of international police monitors, the local police carried out a full investigation, based upon a continuing and constant harassment, and eventually submitted a report to the municipal prosecutor. The prosecutor subsequently filed the above charge. During the reporting period, the first trial session was convened, with the victim and perpetrator present. The defendant exercised his right to defend himself and attempted to justify his actions alleging infidelity. The injured party gave evidence that was corroborated by a subsequent witness. The judge will now summon a disinterested witness and the second session will convene at the end of August.
41. ***Trafficking in Women***: During the reporting 43 women victims of human trafficking were repatriated to their home countries. The women had either escaped their captors or had been freed through police raids on local bars and cafes. Twenty-one of the victims came from Moldova, 13 from Romania, 7 from the Ukraine, 1 from Belarus and one from Serbia. Amongst the 43 two were juveniles (under 18) from Romania. It is now becoming more common for trafficked victims to give testimonies to an investigative judge with a view to giving evidence against bar owners and managers. There are 11 cases against bar owners or local police that are ongoing. There has been some progress, in particular, in one case a bar owner was successfully prosecuted and sentenced for four months imprisonment and a fine of 5,000 KM for his involvement in the procurement of persons for the purposes of prostitution. The conviction followed a 25 May raid on the above-mentioned café bar by local police after one foreign, trafficked victim managed to escape and report to the local police and the IPTF. The local police found five foreign women, two of which testified that they had been held in servitude. The local

police also thoroughly searched the premises seizing documents. At the time of the raid the owner was not present, however, he was later arrested by local traffic police. At the subsequent trial, the victim's statements and the seized items were presented as evidence, in addition to the oral testimonies of two key witnesses (waitress and cashier of the café bar). The defendant admitted guilt stating that he had paid for the women.

42. ***Registration of Law Enforcement Personnel***: During the reporting period, UNMIBH/IPTF registered 4195 police personnel. The number of police officers who were provisionally authorized to exercise police powers by the IPTF Commissioner and given UNMIBH/IPTF identification during the reporting period amounted to 3,362. These officers are from Foca Public Security Centre, RS Ministry of Interior, Canton 6, Canton 9 and the Brcko District. According to UNMIBH policy, only those officers displaying UNMIBH/IPTF identification can exercise police powers.
43. ***Republika Srpska returns asylum seeker to FRY in violation of International Refugee Law***. The arrest and deportation by the Laktasi police in early June of a citizen of FRY who had claimed asylum in BiH is a violation of international and domestic laws protecting refugees and asylum seekers. The basis for the arrest and deportation was a warrant for desertion issued by a FRY court, endorsed by an order from the Banja Luka Public Security Centre (Ministry of Interior). Full details of the claim are currently being investigated, but it is clear that the BiH law on immigration and asylum, protecting asylum-seekers from expulsion to their country of origin, was one of a number of national and international provisions breached. The IPTF has issued a non-compliance report against the Chief of Criminal Police within the Ministry of Interior.
44. **Police Academies**: On 29 May 2000, a ceremony was held at the Federation Vraca Police Academy in Sarajevo for the cadets who graduated from the class that commenced in November 1999. The graduates included 6 Bosniaks, 16 Bosnian Croats, 56 Bosnian Serbs and 6 others. They included 57 males and 27 females. The graduates all received UNMIBH/IPTF identification.
45. ***Removal of provisional authorization to exercise police powers***: The IPTF Commissioner removed the provisional authorisation to exercise police powers from two Bosnian Croat, Canton 7 (Capljina police administration) police officers. The officers were involved in the illegal arrest/deprivation of liberty and physical assault of a Bosniak member of Federal Parliament and two other Bosniak police officers from Canton 7 during the night of October 2/3 1998. The incident occurred during the infamous Tasovici incident in Capljina Municipality where a Bosniak minority returnee was killed when an explosive device was thrown into his house he had just re-occupied. The two officers committed the illegal acts in collaboration with and under the direct supervision of the then Chief of Capljina police administration. The IPTF Commissioner immediately disqualified the Chief of Police from police service and severed his authority to exercise police powers away from him indefinitely and anywhere within BiH. The two officers have been informed as well as the Canton 7 Minister of Interior and his Deputy and the Federation Minister and his Deputy. The Canton 7 Minister of Interior is now obliged to ensure that the two officers hand in their police-issued side arms, uniforms and UNMIBH/IPTF identification in the presence of the IPTF Adviser.
46. ***Police Commissioner Project***: During the reporting period the Canton 9 Assembly adopted by a unanimous vote the Law on Amendments and Additions to the Law on Internal Affairs of the Sarajevo Canton without changes, thereby providing legal basis and justification for the establishment of the Police Commissioner. Article 14 of the Law on Internal Affairs now reads:

    "The Assembly of the Sarajevo Canton shall, within 15 days from the day this law comes into effect, appoint the Independent Board, and the appointment of the Police Commissioner shall be carried out within 30 days from the Independent Board is appointed".

    The adoption of this law represents a milestone in the continuing efforts to create a democratic and apolitical police service. It also signifies the Canton's commitment to this principle. Under the appropriate

supervision of the Minister of Interior, the Police Commissioner will manage and direct all police operations linked to safety of citizens and to the prevention and detection of crime. Candidates must be apolitical and have a minimum of 15 years police experience and 8 years managerial experience. The next step now is to ensure that the selection and appointment of the Independent Board and the Police Commissioner will take place according to adopted criteria. Plans are now underway to establish police commissioners in all Cantons, Federation Ministry, and the RS.

Judicial Reform:

47. ***The formal establishment of judicial commissions in the Federation and high judicial and prosecutorial councils in the RS provide key elements for an independent and impartial judiciary***. These bodies will lead the implementation of the recently imposed Federation Law on Judicial and Prosecutorial Service and the recently adopted RS *Law on Courts and Court Service* and *Law on Public Prosecutors Office*, and provide a merit-based, non-political structure for the appointment, discipline and dismissal of judges and prosecutors. During an 18-month-long *extraordinary period of review* all current judges and prosecutors will be scrutinised and vetted if need be to ensure that they meet the standard of professionalism set out in the laws. The vetting process should finish by the end of 2001.
48. ***Unified Judicial Structure in the Herzegovina-Neretva Canton Created***: In spite of many attempts at obstruction and delay, all Cantonal and Municipal Courts and Prosecutor's Offices have now been properly established. The process of creating a Mostar Central Zone Court and Prosecutor's Office has also been initiated with the selection of candidates. It is expected that these bodies will be established by 15 September. Cantonal authorities have further agreed with OHR to transfer the Mostar land register from the competence of the West Mostar Court to the Central Zone Court. These developments together effectively put an end to the existence of parallel judicial structures in the H-N Canton.
49. ***Important Developments in Canton 10***: Canton 10 and particularly Livno and Tomislavgrad have qualified over the past few years as being the most obstructionist in terms of implementation of the rule of law and has therefore been placed under heavy international community monitoring. Some movement is now visible. With the resignation of the last active Public Prosecutor in Tomislavgrad, the municipal prosecutorial structure in the Canton is basically empty. The Minister of Justice, and the international community agreed upon a three month program for hiring new prosecutors and reforming the structure of Cantonal and Municipal Prosecutor's Offices. The Federal Prosecutor's Office supports this effort. The program should be complete by 30 September 2000. All positions will be filled in accordance with the new Law on Judicial and Prosecutorial Service.
50. ***JSAP report on Revised Amnesty Legislation suggests that RS authorities generally respect the law***: The report was published in June and is based on the review by six JSAP teams of the activities of sixteen RS courts with respect to amnesty law. The report concluded that whilst amnesty was not fully and correctly applied to all those entitled to it, in general it was granted appropriately. The report also concluded that there was little likelihood that anyone entitled to amnesty would be arrested and that should encourage return. Additionally, the report suggested that the 1998 amendments were oversimplified; that there was a lack of supervision from the Ministry of Justice and District Courts; and that the judicial system had failed to provide a coherent approach to a simple task.

Right to a Fair Trial

Domestic war crime prosecution:

52. The Mostar multi-ethnic court announced its first ruling on July 26, sentencing three Bosnian Muslims to jail in the so-called Golubovic case. The defendants **Miralem Macic, Josuf Potur and Adem Landzo** were found guilty as charged for war crimes against civilians and

sentenced to 12, 9, and 12 years respectively. The case is significant enough as the first war crimes case tried in the multi-ethnic Cantonal Court, by a panel composed of members of all three constituent peoples. Significantly, three former Bosniak members of the RBiH army on active military duty during the war were found guilty of war crimes against civilians for the July 1992 murders in Konjic of five Bosnian Serbs (Djuro and Vlasta Golubovic and their two young children Petar and Pavle, and Branko Djogic). Prior to its processing by the local judiciary, the case had been reviewed by the ICTY Office of the Prosecutor as required under the "Rules of the Road" procedure.

53. ***Five former HVO soldiers, wanted for war crime, remain at large after the published indictment eight months ago***: The Cantonal Prosecutor in Mostar requested the ICTY to take over the case of **Zeljko Dzidzic, Mato Anicic, Ivan Skutor, Zoran Solda and Erhad Poznic**. The five former HVO soldiers are accused of war crimes against civilian population and war prisoners in 1993. The Cantonal Prosecutor also requested the Stabilization Force (SFOR) undertake the arrest. This request illustrates the inability or unwillingness of local authorities to implement the rule of law in this Croat controlled part of the country. The indictment issued on January 11, 2000 led to the dismissal of local police senior officials, who refused to implement the arrest warrant. The Federation Ministry of Interior issued on August 10 a wanted list, ordering all the police administrations in BiH to arrest the five Mostar Croats.
54. The national police arrested on June 6 **Miroslav Pandurevic**, a Bosnian Serb. The arrest is based on a warrant which is in compliance with the so-called "Rules of the Road". Pandurevic is charged with war crimes against civilians and the investigation face before the Sarajevo Cantonal Court began immediately after his arrest.
55. On August 28 a special police unit of the Federation arrested **Dominik Ilijasevic**, a Bosnian Croat, suspected of committing war crimes against civilians. Ilijasevic, 35, was indicted by the Cantonal court in Zenica, central Bosnia. The arrest warrant was issued on August 9. He is being detained in the Zenica prison where he awaits trial.

International War Crimes Tribunal

55. ***Ongoing Trials before the ICTY***: **Dusko Sikirica**, pleaded "not guilty" to all charges, including genocide, during his first appearance before the Tribunal court on July 7. Sikirica, who was arrested on June 25 in Prijedor by SFOR troops, was wearing a cast on his left arm and a bandage on his nose – evidence of the "minor injuries" he sustained during his arrest. Neither Sikirica nor his temporary defence counsel lodged any objections to the circumstances of the arrest. Sikirica is accused, as former commander of the Keraterm detention camp, of genocide, crimes against humanity and violations of the laws and customs of war.
56. The prosecution's case against General **Radislav Krstic** entered its final stage at the end of June. Prosecutors presented a detailed reconstruction of Operation Krivija 95 – codename for the offensive by the Republika Srpska army, VRS, against the Srebrenica enclave in July 1995. Srebrenica fell on July 11. Over the following two days some 25,000 women and children were deported from the UN base in Potocari and thousands of men trying to make their way on foot to the territory controlled by the Army of Bosnia-Herzegovina, were detained and executed. Krstic, who according to the indictment was commander of the Drina corps, is accused of genocide for his alleged role in the crimes in Srebrenica.
57. On July 21 the Appeals Court upheld the sentence of former paramilitary commander Anto Furundzija, 31. Furundzija was sentenced to 10 years in prison in December 1998 in a trial that was the first to deal exclusively with rape as a war crime and the first to hinge on the events of a single day. **Furundzija**, arrested in a night raid in December 1997 by SFOR troops, commanded a Bosnian Croat unit known as "The Jokers" and failed to intervene when a Bosnian Moslem woman was raped by a subordinate during an interrogation.

Missing Persons / Exhumations

58. As the exhumation period is at its peak, no figures are yet available. A full report on the status of exhumations is to be published in the November edition of the Quarterly report

Economic and Social Rights

59. ***Law on Amendments to the Federation Labor Law is adopted***. Article 143, passed in October 1999, was one of the most contentious issues within the Labor Law. This provision allowed former employees of enterprises who were dismissed or forced to leave their communities during the war to reclaim their employee status with their former employers. According to the new law, those on the waiting list had a right to compensation or reinstatement to their former jobs.
60. The passed amendments to the article 143 include a reduction in the compensation. The amendment also established an appeals commission to address those who believe they should be on the reopened waiting list and who claim discriminatory treatment. This law, if applied properly, should considerably support the sustainability of returning DPs and refugees.
61. ***Governments of both entities endorse the agreement on implementation of pension and disability insurance***. An Agreement on the Mutual Rights and Obligations in the Implementation of the Pension and Disability Insurance entered into force in the RS and in the Federation respectively on 5 June 2000 and on 30 June 2000. If implemented, this agreement should benefit refugees and displaced persons. The agreement is a first step towards the establishment of a mechanism for exchanging information between the three existing funds (Bosniak, Bosnian Serb and Bosnian Croat) which is essential for calculating contributions, identifying those who are obtaining pensions from two or even three funds. Although this agreement is a step in the right direction, the country is still very far from establishing a reasonably regulated pension system. In addition, the merger between the two Federation funds, called for by the international community, does not seem to be envisaged in the foreseeable future.
62. ***Privatization process remains the subject of serious human rights concerns***. In particular, unresolved issues of ownership and the ability of ordinary citizens to participate continue to plague the process. Employees are increasingly submitting complaints about irregularities and the impact of the process upon their employment. In response the international community has recently undertaken to introduce new regulations attempting aimed at improving the overall financial and legal framework of the privatisation process.
    - On 22 May 2000, OHR dismissed the Federation Privatisation Agency Management Board Director;
    - On 18 August, the High Representative issued a decision amending the Federation Law on Funds Management Companies and Investment Funds;
    - An international review is underway for 14 companies located in HDZ-controlled areas where Bosniak-controlled factions of the Federation government are alleging misfeasance.
    - On 22 June 2000, the Human Rights Chamber issued the provisional measures freezing the joint venture deal between the *Agrokomerc* Company in *Velika Kladusa* and the Perutina Ptuj Company in Slovenia for 90 days. The Chamber found that ownership of *Agrokomerc* had not been clearly established, and concluding the deal would have an irreversible impact on shareholders who might in fact own the company.

Cultural Rights: Right to Education

63. ***Education Ministers obstruct the implementation of the 10 May 2000 Education Agreement***. The RS Minister of Education and the Federation Deputy Minister of Education are obstructing the implementation of the "*Curricular modules on language, literature, culture and culture of religions*" on the opinion this measure allegedly infringes on the identity of the Bosnian Serb and Bosnian Croat people. The international community insists that at least 40 hours per year should be devoted to these modules, which have yet to be produced, which overall represent between 20 and 30% of the total number of hours per year devoted to these subjects in the present curricula. The Ministers oppose this core harmonization measure, despite their earlier endorsement of the measure under the May 2000 Agreement. The Croat Deputy Minister also obstructs the teaching of the Cyrillic alphabet before the fourth grade of primary education, on alleged pedagogical grounds.
64. ***Agreement has been reached on use of the Mostar Gimnazija***: On June 28 a political agreement was signed by the Herzegovina-Neretva Governor, Mayor and Deputy Mayor of the City of Mostar, Ministry of Education and respective Heads of Mostar municipalities in relation to the future use of the Mostar Gimnazija. In November last year the tension heightened concerning the building when the Grammar school of Municipality Mostar South West (Croat controlled) unilaterally moved into a reconstructed portion of the building located in the de facto Croat controlled section of the Central Zone. Upon its implementation the Agreement will allow the sharing of a number of facilities in the city and possibly some level of integration between students.
65. ***Sweeping proposals for change at the Mostar (West) University***. Following a deadlock over the past few months between Chancellor Marko Tadic and the Deans of the Faculties of the University of Mostar (West), the Steering Board of the University adopted a series of measures that precipitated the resignation of all its members. The international community hopes that these proposals will not have an adverse impact on the functioning of the University and that the indispensable process of strategic restructuring that had begun will be continue. Questions remain about the legal ability of "Croat Community of Herzeg – Bosna" to determine university policy. The authority to define education policy generally rests with the Cantonal government.
66. ***Bugojno, Vares, Stolac and Prozor-Rama***: Micro management for global solution? In these four municipalities, the international community pressured the local authorities into accommodating pupils from returnee families under the roof of existing primary schools. Previously they had been accommodated either in inadequate premises, like in Vares and Bugojno, or in "home" schools as in Stolac. The international community considers this solution as an interim one and continues to pressure the responsible authorities to facilitate the gradual classroom integration until the 10 May 2000 Education Agreement is fully implemented; or until a joint core curriculum is adopted. An acceptable joint curriculum must leave ample space for the expression of each constituent people' s cultural identity. In the case of Bugojno, Prozor-Rama and Vares, it took more than one year to arrive at an agreement between the two communities while in Stolac the Bosniak returnee pupils have been using the existing school facilities since early May 2000.

Freedom of Expression and Media

67. ***Free Media Help Line: a revealing initiative***. The Department of Media Affairs of the OSCE established the Free Media Help Line in November 1999 with the aim of fostering the protection of journalists' rights and promoting freedom of expression. Since its establishment, 104 journalists have contacted the Help Line, either seeking help and or reporting incidents or perceived threats.

68. Of them, 39 incidents have been reported since the May HRCC Quarterly Report was issued. It must be noted that a public information campaign about the Help Line was launched on 3 May, which raised awareness about this mechanism. Of the 39 most recent cases, 26 were registered in the Federation and 13 in the RS. The largest category of cases – 16 – constituted explicit threats. The following tables present all cases reported to date, classified by category and Entity:

Categories	**Fed**	**RS**	**Total**		**Fed**	**RS**	**Total**	**Final total**
DEFAMATION	12	4	16		1	3	4	20
EXPLICIT THREAT	9	4	13		13	3	16	29
IMPLICIT THREAT	3	–	3		1	1	2	5
INTIMIDATION	3	1	4			1	1	5
HARASSMENT	5	1	6		2	1	3	9
LABOUR DISPUTE	3	2	5		–	–	–	5
PRESSURE BY TAX AUTHORITIES	1	–	1		1	–	1	2
PHYSICAL ATTACK	3	6	9		3	1	4	13
INTERFERENCE	2	2	4		4	–	4	8
DENIAL OF SERVICES	1	1	2		–	2	2	4
OTHER	2		2		1	1	2	4
TOTAL	44	21	65		26	13	39	104

Notably, of the total cases reported (104) it has been observed that 95.2% of cases were committed by the following five categories of **perpetrators**:

Government/Political Party Officials:	36 reported cases (34.6%)
Anonymous:	22 reported cases (21.2%)
Unaffiliated Individuals:	19 reported cases (18.3%)
Media Outlet Personnel :	16 reported cases (15.4%)
Police:	7 reported cases (6.7%)

69. ***Two local journalists – Edin Avdic from Slobodna Bosna and Ljubisa Lazic from Srpsko Oslobodjenje harassed by politicians***. **Edin Avdic case:** Mr. Avdic alleged that Muhamed Korda, a local businessman, publicly threatened him on 10 June in front of two witnesses for writing about cultural activities of the SDA. Mr. Korda is known to have participated in the organisation of a number of SDA-supported cultural events. According to Mr. Avdicąs report, Mr. Korda warned the journalist to stop writing these uncomplimentary articles. Several hours later, Mr. Avdic reported that he was assaulted at the entrance to his own home, and was hit in the face several times by two men who gave him the same message Mr. Korda had delivered. According to the journalist, this second attack was also accompanied by a death threat. The police announced that criminal charges would be brought against Mr. Korda based upon this report. Further, based on this incident and two other related incidents of SDA-based intimidation of journalists, the international community took a strong public position condemning the political intimidation.
70. **Ljubisa Lazic case**: Ljubisa Lazic was physically attacked in the premises of *Radio Srpsko Sarajevo* on 12 August by Marko Asanin, president of the SNSD (Party of the RS Independent Social-Democrats) Regional Board Srpsko Sarajevo. Lazic suffered injuries that were confirmed by the hospital staff who treated him after the incident. Mr. Lazic alleged that this attack was the culmination of a series of threats and harassment by Mr. Asanin, who is said to have once lobbied to have local media excluded from sessions of the assembly of Srpsko Novo Sarajevo

municipality. Mr Lazic also alleged that Mr. Asanin had pressured local media to report only the position of his political party, the SNSD. The local police have filed charges against Mr. Asanin and two alleged accomplices.

Domestic Human Rights Protection

Progress in the work of the Institutions:

Human Rights Ombudsman

71. ***Amicable Solutions***: During the reporting period, the Ombudsman achieved amicable solutions and closed cases in fourteen matters involving the Federation of BiH and in eleven cases concerning the Republika Srpska. All cases concerned property. The applicants were reinstated into their apartments within the time limits established by the Ombudsman or relevant decision on their reinstatement has been issued.
72. ***Implementation of Ombudsman Reports***: Republika Srpska authorities fully complied with the Ombudsman's recommendations regarding three cases in which the failure of the competent administrative organ to enforce its decisions and to restore the possession over the apartments had been found to violate the human rights of the applicants. The Ombudsman had recommended that authorities of Republika Srpska ensure that the applicants be reinstated into the apartments.
73. During this period the Federation Government reported implementation of 53 cases of ownership registrations of JNA apartments that the applicants purchased between 1991-1992 but were unable to register their ownership. The Federation also implemented recommendation in other five cases involving repossession of relevant apartments.

    (More information about the work of the Ombudsman is available at http://www.ohro.ba/index.htm.)

    Human Rights Chamber

74. ***New Decisions***: The Human Rights Chamber met three times during the reporting period and issued twelve decisions on the merits, striking out or ruling inadmissible 117 cases. These cases may be viewed on the Chamber's web site (http://www.gwdg.de/~ujvr/hrch/hrch.htm) or, alternatively, copies may be obtained by contacting the Chamber in Sarajevo at Musala 9, tel. (387-33) 212-064.
75. The twelve decisions on the merits concerned pension rights, employment rights, freedom from arbitrary arrest and detention, occupancy/property rights, fairness of criminal procedure. In the most significant of these, the Chamber found the Federation to be in violation of Article 1, Protocol 1 of the European Convention on Human Rights in the so-called "**frozen bank account**" case. The Chamber found that the privatisation process, as applied, failed to strike a "fair balance" between the general interest and the protection of the property rights of the applicants as holders of old foreign currency accounts. The authorities sought to compensate asset holders of frozen bank accounts with privatisation vouchers instead of cash.
76. In the cases of *Milovan Poropat, Senija Poropat, Muradifa Seremet and Muhamed Hrelja v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina (CH/97/48, 52, 105 and 108)*, four so-called "frozen bank account" cases, the applicants deposited foreign currency with commercial banks in BH i.e. SFRY. Because of a growing shortage of such currency and other economic problems, the withdrawal of money from these "old" foreign currency savings accounts was progressively restricted by legislation enacted during the 1980s and the early

1990s. Before, during and after the war in Bosnia and Herzegovina the applicants were largely unable to withdraw money from their accounts. They have initiated court proceedings in this matter but their action has so far been unsuccessful and the proceedings are still pending. According to legislation enacted by the Federation of Bosnia and Herzegovina in 1997 and 1998, claims based on the old foreign currency savings accounts are to be resolved in the process of privatization of socially owned property. Instead of payment of outstanding pensions, salaries or savings, the Bureau for Privatization issues "certificates" in the commensurate amounts. According to the relevant legal provisions, these certificates can be used in the privatization process to purchase apartments, municipal business premises and shares and assets of enterprises. None of the applicants has so far participated in the privatization process. Instead, they wish to have cash disbursed from their bank accounts. The Chamber ordered the Federation (not BiH) to "amend the privatisation programme so as to achieve a fair balance between the general interest and the protection of the property rights of the applicants as holders of old foreign currency savings accounts".

77. In the case *CH/98/934 Edin Garaplija v. the Federation of Bosnia and Herzegovina* the Chamber found that the applicant has been working as a police officer for a Bosnian State Security Service. On 13 June 1997 the Cantonal Court Sarajevo convicted him of abduction and attempted murder and sentenced him to 13 years of imprisonment. The applicant essentially alleged that he did not enjoy a fair trial, including the right to an adequate defense. The Chamber found that the applicant was denied the right to be present in person before the Supreme Court without reasonable justification. Accordingly, the Chamber concluded that his rights under paragraphs 1 and 3(c) of Article 6 of the Convention were violated and that the Federation was responsible for it. With a view to remedy the violation found, the Chamber ordered the Federation of Bosnia and Herzegovina to take all necessary steps to grant the applicant renewed appellate proceedings.
78. In the case *CH/98/1124 et al., Fehreta and Refik Dizdarevic and others v. the Republika Srpska* the Chamber decided on of violations of the applicants' property rights as protected by the ECHR and of discrimination on the ground of their Bosniak origin in the enjoyment of those rights. The Chamber first found that the inability of the applicants to regain possession of their properties constituted violations of their rights to property and to respect for their homes, as guaranteed by the ECHR. In respect of the applicants in the 19 cases who have not fully regained possession of their properties, these violations are continuing. The Chamber also found that the refusal of the courts of the Republika Srpska to deal with their applications to regain possession of their properties violated their rights of access to court, as guaranteed by Article 6 of the Convention. The Chamber held that the applicants had been discriminated against in the enjoyment of those rights, on the ground of their Bosniak origin. The Chamber ordered the Republika Srpska to enable the applicants who have not already done so to regain possession of their properties, without further delay. Concerning compensation, the Chamber awarded the applicants sums for moral suffering and also as compensation for having to pay for alternative accommodation. These sums ranged from KM 1,200 to KM 4,400.
79. ***Implementation of Human Rights Chamber Decisions***: Implementation of Chamber decisions increased from 10% in early 1999 to the current 60%, in large part due to implementation of the July 1999 JNA apartment amendments. However, progress in general was seen in the Federation, as many occupancy right cases and compensation awards were implemented in the reporting period. Republika Srpska also showed some progress in regard to the implementation of property cases, but no mayor decisions has been implemented nor any compensation has been paid.
80. As an example of such delays, in the case of *Islamic Community v. RS* (CH/96/29) of June 1999, the Human Rights Chamber ordered the RS government to ensure that requests, filed by the applicants in March 1997, to reconstruct seven mosques in Banja Luka, be granted without delay. However, one year has passed without implementation by the authorities of this decision.

In addition, in the first case of the Chamber, *Matanovic v. RS*, involving the disappearance of a priest in the RS, the RS authorities were required to determine the fate or whereabouts of Father Matanovic. This Decision has also not yet been implemented. More recent cases in which there has been no implementation include another *Islamic Community v. RS* (CH/99/2177) involving a requirement to revoke a municipal decision forbidding burials in the Muslim cemetery of the town, as well as three Federation cases requiring investigations into illegal arrests and detentions.

Commission for Real Property Claims of Displaced Persons and Refugees (CRPC)

	Human Rights Chamber	Ombudsman	CRPC
Cases Registered	5463 (+881)	4889 (+813)	276.177 (+17.177)
Cases Completed	685 (+129)	1963 (+214)	110.640 (+13.000)

Parentheses refer to changes from the 30 April 2000 HRCC report (in respect of properties, rather than the number of claimants – one claimant may have more than one property).

81. As of end of July 2000, through its regional offices, the CRPC collected 215.739 claims related to 276.117 properties in Bosnia and Herzegovina, and issued 110.640 decisions.
82. In addition 31.064 property records for houses and apartments have been checked for reconstruction purposes since August 1997. It is estimated that 10. 000 returns have taken place to these reconstructed properties.
83. In order to obtain better enforcement of its decisions, the CRPC has been meeting with authorities at all levels, and has seen some recent improvements in the reporting period. It is working closely with international community partners on the Property Law Implementation Plan (PLIP) on co-ordinated strategies for addressing key problems relating to property law implementation.

(More information about the work of the CRPC is available at http://www.crpc.org.ba)

Federation Ombudsmen

84. On 8 August 2000 the Federation Ombudsmen issued Information on Water Supply System Gorazde and its Settlements on the Outskirts. The problem outlined in this information concerns inadequate water supply in Gorazde and risk for citizens' health. The FBH Ombudsmen stressed that such situation was mainly result of poor managing by Cantonal authorities. It was also emphasised that citizens of Gorazde and its settlements have been paying huge bills for the water, which do not satisfied hygienic standards. Following the information from citizens and data already collected from the Assistant to FBH Ombudsmen in Gorazde suggested establishment of Inter-party Commission which main task is to provide adequate quantity of water; to provide drinking water of good quality, and to have the most favourable price of water. The Ombudsmen office continues to collect relevant data and information.

The report is available from the Federation Ombudsmen's office, which can be contacted at ombudfbh@bih.net.ba, or at tel: (387-33) 211-392.

(More information about the work of the Fedearation Ombudsmen is available at http://www.bihfedomb.org/men-eng.htm)

Ombudsmen of Republika Srpska

85. The Ombudsmen of RS are in the process of establishing their offices. Until mid-August, the ombudsmen had been hosted by the OSCE in Banja Luka. They are renting their own premises

to the RS Government, in Banja Luka city center. The Ombudsmen will establish a central office in Banja Luka and four Field Offices in the municipalities of Prijedor, Doboj, Bijeljina, and Foca/ Srbinje. Within the next month, training on the role and functioning of ombudsman institutions is provided to the RS Ombudsmen by different national institutions and international organizations. This process is expected to be completed by the beginning of November, when the RS Ombudsmen will start to receive complainants on a regular basis.

Future of the Institutions

86. On 29 July 2000 the Federation Parliament adopted the Organic Law on the Federation Ombudsmen. This law will regulate the appointment, powers and responsibilities of the Ombudsmen in accordance with the Federation Constitution. The law, which was drafted with the assistance of the Venice Commission of the Council of Europe, conforms to European and international standards and its adoption fulfils one of the criteria for membership of Bosnia and Herzegovina in the Council of Europe. Twelve months after the law has entered into force, the Federation Parliament will for the first time be entitled to appoint the three permanent Ombudsmen to serve four-year terms. The current Ombudsmen have been appointed by the OSCE.
87. The draft Organic Law for the Ombudsman of Bosnia and Herzegovina has been presented to the Parliament of BiH. This draft law, when passed, will ensure continued international presence within this institution for a further three years, while enabling BiH to assume responsibility for its continued operation, as foreseen in Annex 6 of the Dayton Agreement.

HRCC Member Organizations

OHR: Under the Annex 10 of Dayton Agreement, the Office of the High Representative is tasked with co-ordination of civilian aspects of peace implementation in Bosnia. OHR maintains a regional human rights presence, and works closely with other agencies who monitor the human rights situation, to develop strategies and co-ordinate interventions. For more information about the OHR generally or about human rights specifically, please contact:

Office of the High Representative
Emerika Bluma 1
Sarajevo, Bosnia
tel: 387-71-447-275
fax: 387-71-447-420
web: https://www.ohr.int

OSCE: The OSCE mandate derives form Article 10 of Annex 6 of the Dayton Agreement. The Human Rights Department advances civil, political, social and economic rights including property, return, education, employment, and others. The Human Rights Department interprets its mandate to include inter alia: monitoring on and investigating allegations of human rights abuses and training of national NGOs. Its 28 Field Offices and 4 Regional Centers allow the OSCE to ensure the full coverage of the territory of BiH and makes the organisation a direct actor in addressing human rights-related issues.

OSCE Human Rights Department
Dzenetica Cikma 2/4
Sarajevo, Bosnia
tel: 387-71-444-444
fax: 387-665-236
web: http://www.oscebih.org

UNHCR: The United Nations High Commissioner for Refugees is the lead organisation for the implementation of Annex 7 of the Dayton Agreement, which guarantees the right of refugees and displaced persons to return to their homes of origin. UNHCR provides international protection and assistance to refugees and displaced persons, and other persons of concern. For more information about UNHCR in Bosnia, please contact:

UNHCR

Unis Building Tower A
Fra Andela Zvizdovica 1
Sarajevo, Bosnia
tel: 387-71-666-160
fax: 387-71-470-171
web: http://www.unhcr.ch

UNMIBH/IPTF Human Rights Office: The existence of International Police Task Force is mandated by Annex 11 of the Dayton Agreement. Under Security Resolution 1088, the IPTF's work includes "investigating or assisting with investigations into human rights abuses by law enforcement personnel." The main objectives of the Human Rights Office are to: investigate human rights violations by law enforcement agents; design remedial measures to correct such violations; and to monitor and ensure the implementation of corrective measures. To implement these objectives, the Human Rights Office carries out investigations into serious incidents of police misconduct and conducts comprehensive inspections of law enforcement agencies to address persistent endemic institutional deficiencies. The Human Rights Office is comprised of 145 International police and 17 international civilian staff, deployed throughout the country.

UNMIBH

Mese Selimovica 69
Sarajevo
tel: 387-71-496-265
fax: 387-71-496-539

OHCHR: As of December 1998, the OHCHR in Bosnia and Herzegovina is part of the Office of the Special Representative of the Secretary General (SRSG, in charge of the UNMIBH). It focuses its activities on human rights training and on issues of gender and discrimination, with particular emphasis on social and economic rights. It continues to support the mandate of the Special Rapporteur of the Commission on Human Rights and participates in the work of the Human Rights Co-ordination Centre (HRCC) of the OHR. The legal authority for its presence is based on annual resolutions of the Commission on Human Rights as well as Article XIII of Annex 6 of the Dayton Agreement.

Office of the High Commissioner for Human Rights

PTT building, Mese Selimovica 18
71000 Sarajevo, Bosnia
tel: 387 71 49 6402, 6403
fax: 387 71 49 6438

1)This section of the Quarterly Report focuses heavily on the eastern Republika Srpska based on available reports at the time of writing and does not reflect all return movements and incidents in the Federation and Western Republika Srpska.

2)It should be noted that the court ordered the fine of 2,800 Dinars, however, the official currency of BiH is the Convertible Mark.

Office of the High Representative