

Human Rights Report April 1999

SUMMARY

- Influx of persons from FRY continues
- Violent incidents in Prozor-Rama following Bosniak return
- High Representative extends deadline to claim property in the Federation to 4 July 1999
- High Representative cancels permanent occupancy rights issued during and after war
- Zvornik 7 appeal heard by RS Supreme Court
- Knezevic murder suspects found Not Guilty
- Increasing cases of trafficked women forced into prostitution

SECURITY

1. The security situation for the international community in the RS, which had deteriorated as of 5 March, improved by mid-April despite the continuing NATO air operations against FRY and most of the organisations that had evacuated their international staff members to the Federation resumed their activities in much of the RS. However, in particular during the first part of the month, human rights and return-related activities were seriously hampered and the information contained in this report may not be comprehensive.

RIGHTS OF REFUGEES AND DISPLACED PERSONS

GENERAL OVERVIEW

2. The steady influx of refugees and other persons fleeing NATO air operations in FRY continued and accelerated somewhat towards the end of April raising fears of a major influx of refugees to BiH. Most of the Kosovo Albanians and Sandzakis fleeing FRY arrived in the Federation, primarily in Sarajevo and other Bosniak-administered areas, while the Serbs remained mainly in the RS. So far most of the arrivals have found accommodation with friends and relatives, but an increasing number are seeking assistance from the authorities. The Ministry of Civil Affairs and Communications of BiH has reportedly had difficulties in finding accommodation for those seeking its assistance, which has resulted in refugees and other persons sleeping at the train station in Sarajevo or in their cars, whilst waiting suitable accommodation.

3. There are some indications that the influx from FRY – and the general security atmosphere prevailing in the RS – are having a negative impact on minority returns. While minority returns of Serbs to the Federation have continued, Bosniaks appear reluctant to return to the RS in the current political and security situation.

4. **[Ed. Note:** In early May, UNHCR issued an 'Update of UNHCR's Position on Categories of Persons from Bosnia and Herzegovina who are in Continued Need of International Protection'. The report analyses the human rights situation in BiH and outlines those categories of persons still in need of international protection. These are:

- persons originating from areas where they would no longer be in the majority upon return;
- humanitarian cases (ex-camp or prison detainees; victims or witnesses of violence, including sexual violence; severely traumatised persons; witnesses testifying before the International Criminal Tribunal for Former Yugoslavia; individuals in need of special care);
- persons of mixed ethnicity or in mixed marriages;
- potentially stateless persons;
- other specific protection categories (political and military leaders of the Demokratska Narodna Zajednica, also known as, 'former Abdic supporters'; deserters and draft-evaders of the Bosnian Serb army; minority members of the armed forces; members of the Roma communities).

5. UNHCR recommends that the repatriation of members of these groups should only take place when the individual has decided to return out of her or his own free will and on the basis of an informed choice. [The full report is available from UNHCR HQ Sarajevo].

RIGHT TO RETURN

[This section focuses on returns and assessment visits that are significant from a human rights perspective]

Visits/Returns to RS

6. Due to security and freedom of movement restrictions there were no assessment visits to the Eastern part of the RS during the reporting period. The inter-Entity bus services were also suspended for most of the reporting period.

7. 70 Bosniak families this month returned to **Kozarac** with plans for more to return in May. This return is particularly significant as Kozarac was a Bosniak-dominated town (approximately 95%) before the war. Its Bosniak population was either expelled or forced to flee from the town during the war and as such Kozarac is considered as a high profile return area by the international community.

8. 50 Bosniaks returned to the Japra Valley in **Novi Grad** municipality, while during the approximately 170 people come and work the land. The returnees stay in nearly destroyed houses, which they are repairing pending aid from international donors.

Visits/Returns to Federation

9. On 10 April, 90 Bosniak displaced persons (most living in Bugojno (FBiH)) visited the villages of Blace and Memici-Ljubunci in **Prozor-Rama** municipality. Before the war Blace was a mixed Bosniak – Croat village, while Memici-Ljubunci was Bosniak. 20 returnees stayed overnight and started cleaning their houses. The level of destruction of their houses is high. The return passed without incident. This was followed on 24 April by visits of approximately 150 Bosniaks currently living in Jablanica and Konjic (both FBiH) to Kovacevo Polje again in Prozor-Rama municipality. Some 15-20 persons at a time are staying overnight on a rotating basis. The (Croat) Mayor of Prozor-Rama was present at this return visit as was the (Bosniak) Governor of the Canton.

10. On 27 April, some 20 Croats, who are currently displaced persons in the Croat-administered municipalities of Busovaca, Novi Travnik, and Vitez municipalities, returned to Radonjici village in Bosniak-administered **Travnik** municipality.

11. **[Ed. Note:** A group of some 15 Serb families currently displaced in the RS (Trebinje, Berkovici, Ljubinje) returned to Croat-administered **Stolac** on 10 May. The return passed without incidents. This return is significant as it is the first return of Serbs to Stolac municipality. There were some 4,000 Serbs living in Stolac before the war.]

SECURITY INCIDENTS

[This section focuses on a few of the most significant return-related incidents that were reported to and investigated by the international community.]

RS

12. Following the return of Bosniaks to **Novi Grad** (see para. 8 above), on 3 April local police informed the Bosniaks that they could not remain on their property as they had not received an official decision to stay in their destroyed property (although they have submitted the official request for return of their property). No further problems have been reported.

13. OSCE and IPTF have received reports of a number of attacks against Bosniaks in **Gradiska** town since NATO launched air operations against FRY. 11 incidents have been reported to the local police although there are allegations of more incidents which people are afraid to report. Many of the incidents in town involve smashing windows with bricks, although in one case a car mechanic's workshop was completely burnt down and in a nearby village money was extorted from Bosniak returnees by Serb youths armed with guns. These incidents have primarily targeted Bosniak residents who remained in Gradiska during the war.

Federation

14. On 1 and 2 April, three locations in Borovnica, a Bosniak returnee village in **Prozor-Rama** municipality, were set alight. No injuries were reported although material damage was sustained. On 11 April, the evening after the return of Bosniaks to Prozor-Rama (see para. 9 above), a shooting incident was reported. The shots were fired from Urici (a Croat village) in the direction of Memici-Blace (a Bosniak returnee village). The Bosniak returnees allege that the Croats from Urici fired over their heads; the Croats contend that Bosniak returnees fired shots at the main (Croat) farmhouse en route between the villages. IPTF is investigating the incident.

15. On 14 April, there was a serious security incident in Prozor-Rama town when the Islamic Centre, a focal point for Bosniak returnees, was damaged by a hand grenade. The local police immediately investigated the incident but have yet to make any arrests. This incident was followed during the night of 25 April by an explosion near the village of Scipe in Prozor-Rama municipality, probably from a hand-grenade. No damages or injuries were reported.

16. The international community is conscious of the adverse effects these incidents may have on on-going Bosniak returns to Prozor-Rama municipality and comparisons with the situation in Stolac last year have been made. As future planned returns to Prozor-Rama are to pre-war Croat-dominant areas, the international community has agreed to focus returns (when further funding is made available) on less sensitive areas and to improve the transparency of returns by fully informing affected municipal authorities in advance of the returns.

17. On 12 April, unknown persons stoned a number of Croat owned houses in Causlije village, **Bugojno** municipality. IPTF reports that a number of Bosniak refugees who are illegally occupying most of the Croat houses in the villages have already destroyed newly reconstructed property for Croat returnees. Similar incidents have been reported in Vucipolje village also in Bugojno municipality, where a Croat returnee's property under reconstruction was damaged.

18. The home of a Bosniak returnee under reconstruction was destroyed by an explosive device on 1 April in the village of Donja Veceriska, in Croat-administered **Vitez** municipality. On 28 April, in Slatina, a Croat village in **Jablanica** municipality, an explosion damaged a house of the Bosniak family preparing to return.

INFLUX OF PERSONS FROM FRY

Statistics

19. According to UNHCR, the number of refugees and other persons arriving from FRY to BiH accelerated towards the end of April, arriving at the average rate of 400-500 per day. As of 4 May, the total number was estimated at **78,300**. Following is the breakdown by different groups and locations as of 4 May:

Kosovo Albanians in BiH (prior to 24 March)	Federation 13,000
Kosovo Albanians arriving in BiH (after 24 March)	Federation 4,600
Sandzakis (after 24 March)	Federation 20,000
Serbs (after 24 March)	RS 10,100
Serbs (after 24 March)	Federation 60
Total from FRY	48,300
Serbs from Croatia (from 1995)	RS 30,000
Total refugees in BiH	78,300

20. In addition to the increasing number of Kosovo Albanians arriving in BiH directly from Kosovo, UNHCR reports that other Kosovo Albanians are coming via Montenegro (second displacement). Some 4,000 persons, mainly Kosovo Albanians are currently accommodated in collective centres in the Federation; the rest have found accommodation with families and friends.

21. The reasons given by the persons, mainly Muslims, coming from Sandzak vary, but include the general insecurity and tension in FRY (linked to the NATO operation), recruitment to the VJ (Yugoslav Army) (actual or anticipated) after the general mobilisation in the FRY and anticipation of a major crisis in Montenegro.

22. Within the influx of Serbs from FRY to BiH there are Bosnian and Croatian Serbs, who have been living as refugees in FRY including in Kosovo following the 1991-1995 wars. These persons are now becoming displaced persons within their own country, in the case of Bosnian Serbs, or in the case of Croatian Serbs, adding to the caseload of some 30,000 Croatian Serb refugees already in the RS.

23. Though it is too early to establish a clear pattern, some areas of the Federation have witnessed a significant increase in the number of claims filed for repossession of property since the launch of the NATO air operation by Serb refugees from FRY. In addition UNHCR has increasingly focused its attention on supporting the return of Croatian Serb refugees living in FRY to the Croatian Krajina region.

Legal Framework

24. Since the beginning of 1998, Kosovo Albanians have been entering BiH. According to the Instruction on Temporary Admission of FRY Refugees from the Territories of Kosovo and Metohija, issued by the BiH Council of Ministers in October 1998, refugees from Kosovo and Metohija are entitled, on a needs basis, to free accommodation, food assistance, access to primary health care, primary education, as well as other necessary measures of assistance. The BiH Ministry of Civil Affairs and Communication, and the competent Entity authorities, in co-operation with UNHCR, are responsible for providing adequate conditions of reception for these refugees. On 4 May, the Council of Ministers adopted an Instruction extending the temporary protection regime established for refugees from Kosovo and Metohija to all refugees from FRY (i.e. Sandzakis and those from Montenegro) (Instructions on the Temporary Admission to BiH of Refugees from FRY). All refugees from FRY will now be treated and assisted in the same manner as refugees from Kosovo and Metohija. The earlier Instruction will cease to be valid upon entry into force of the latest one.

25. There have been no reports of systematic forcible returns of males of draft age to FRY. However, some reportedly cross the borders illegally to avoid the risk of being returned or being harassed or asked for money at the border crossings. According to UNHCR there have been reports of harassment/beatings and extortion of money by the RS police (as well as the FRY police and border authorities) at the border crossings and en route to the Federation, involving both Kosovo Albanians and males of draft age. Due to the recent increased border monitoring by IPTF and UNHCR allegations of local police harassment and check points have decreased.

PROPERTY

EXTENSION OF THE DEADLINE FOR CLAIMING APARTMENTS IN THE FEDERATION

26. On 1 April, the High Representative issued a Decision ***extending the deadline for claiming socially owned apartments in the Federation by three months***. The new deadline is 4 July 1999. In a letter to Federation Prime Minister Bicakcic, the High Representative noted that the process of registering claims for apartments had improved significantly over the past six months; and that based on a survey of municipal housing authorities carried out by OHR and other international organisations, approximately 75% of abandoned apartments Federation-wide had been claimed. However claims figures in some parts of the Federation are considerably lower, including certain municipalities in **Una-Sana, Zenica-Doboj, Gorazde** and **Herzegovina-Neretva** Cantons. This indicated that not all refugees and displaced persons with apartments in these areas had had a fair opportunity to make their claim and protect their property rights.

27. The High Representative also noted that there are several problems with the property laws which the Federation Government should solve before the deadline can be permitted to expire. (for further details, see HRCC Monthly, March 1999, at para. 21).

28. Pursuant to the commitment by the Federation Government to solve specific problems in the property and housing laws, the Federation Parliament adopted the *Amendment to the Law on Housing Relations* on 21 April 1999. This amendment will allow individuals whose occupancy rights were cancelled by a court decision to claim for their apartments through the administrative process, under the *Law on Cessation of Application of the Law on Abandoned Apartments*. It may be necessary to extend the deadline for filing claims in order to give these individuals additional time to present their claim. This amendment is the same as that which was imposed by the Decision of the High Representative to the RS Law on Housing Relations on 13 April 1999.

IMPLEMENTATION OF FEDERATION PROPERTY LAWS

29. A strong framework for the execution of evictions is an essential element for the realisation of the right to return and of the property rights of displaced persons and refugees. The eviction of illegal occupants and those who have other accommodation available to them is an important strategy for unblocking the deadlock in the housing situation in many locations. The UN IPTF Commissioner on 6 May sent a letter to the Ministers for the Interior of the RS and the Federation requiring local police to be present at evictions in accordance with the property laws, and to support their enforcement actively in accordance with the Criminal Code. The Commissioner requested the respective Ministries to issue instructions to this effect.

30. Initiatives are underway in various parts of BiH to address multiple occupancy issues on a systematic basis, namely, those cases where an individual or a family has access to more than one housing unit. In mid-April 1999 the Sarajevo Committee set a target of 55 evictions to be carried out in Sarajevo Canton by 12 May 1999 in cases of multiple occupancy. These cases are outstanding from the targets set in the Sarajevo Declaration of February 1998. [As of 10 May, 15 evictions had been carried out.] In Tuzla a Double Occupancy Commission has been established comprising cantonal and municipal officials and representatives of the OSCE, UNHCR and OHR. The Commission began working at the beginning of May, and has achieved 5 successful evictions, with 20 more evictions scheduled. In Una Sana Canton the Local Return and Reconstruction Task Force (LRRTF) is co-ordinating the use of conditional aid to pressure the housing bodies to identify and resolve multiple occupancy cases.

31. Following the successful investigation undertaken by the Federation Ombudsmen and OSCE into the management of the housing stock in Bugojno, the Federation Ombudsmen have begun a further investigation at the request of OHR into the conduct of the municipal authorities in Stolac and Capljina. The investigation team comprises staff from the Ombudsmen's office and OSCE. The investigation will focus on the performance of the municipal authorities in implementing the *Law on Cessation of Application of the Law on Abandoned Apartments* and the *Law on Cessation of Application of the Law on Temporarily Abandoned Real Property Owned by Citizens*; and the conduct of the municipal authorities concerning the reallocation and disposal of socially owned property. OHR will ensure that the municipal authorities in each case offer the necessary support for the investigation.

IMPLEMENTATION OF THE RS PROPERTY LAWS

32. Following the return of international staff to field offices in the RS, an initial assessment of the status of implementation of the property laws indicates that administrative claims processes have been established by the Ministry for Refugees and Displaced Persons in most municipalities, and significant numbers of claims are being received for both private and socially-owned property. However a number of problems have been identified in relation to the claims process, and the proportion of decisions issued is, so far, very low. Problems range from the illegal charging of fees, to inadequate resources and the lack of trained staff to process claims efficiently. A sample of approximate figures thus far are: Banja Luka – 2,800 claims for private property – 1,700 claims for socially-owned apartments – with 56 decisions issued, Prijedor – 1,300 claims for private property – 140 claims for socially-owned apartments – with 200 decisions issued. Field staff from the different international organisations will implement a monitoring and intervention strategy in the coming weeks to try to clear obstacles to implementation of the law, and to gather the information required for a decision as to whether the deadline for filing claims to repossess socially-owned property will need to be extended (currently this stands at 19 June).

CANCELLATION OF PERMANENT OCCUPANCY RIGHTS IN THE FEDERATION AND RS

33. On 13 April, the High Representative issued a number of decisions **under Annex 10 of the Dayton Agreement and Article XI of the Bonn PIC document** amending provisions of the property laws in the RS and the Federation relating to permanent occupancy rights, as follows:

- i. All permanent occupancy rights created between 1 April 1992 and 7 February 1998 in the Federation and 1 April 1992 and 19 December 1998 in the RS are canceled. People who acquired an apartment during or since the conflict will now be treated as temporary occupants under the claims procedure. If the apartment is not claimed at the expiry of the deadline, or if the claim is not successful, they will be permitted to remain in the apartment, and receive a new occupancy right (provided that they do not have other accommodation available to them). However, if the pre-war occupant successfully claims to return, they will be obliged to vacate the apartment. If they have spent their personal funds on repairing the apartment, they may claim reimbursement from the pre-war occupant, but only after the pre-war occupant has possessed the apartment.
- ii. The High Representative's Decision of 5 November 1998, which suspends Art. 3(6) of the Federation Law on Cessation of Application of the Law on Abandoned Apartments as well as the sale of apartments to persons who acquired an occupancy right during and since the war, is repealed, as it is replaced by the above Decision.

34. The permanent reallocation of apartments belonging to refugees and displaced persons has been one of the greatest obstacles to the return of refugees and displaced. Many thousands of apartments in the main cities throughout BiH were taken away from their original occupants according to the laws and administrative practices relating to abandoned property, which remained in force for more than two years after the end of the conflict. In the Federation, the law allowed local authorities to cancel permanently the occupancy rights of refugees and displaced persons, making the apartments available for reallocation. The law was condemned by OHR and many other observers as a clear violation of the Dayton Agreement and international human rights standards, but it continued to be applied until April 1998. In the RS, while the legal framework was different, very similar practices occurred. (for further information on the background of the decision, see HRCC Monthly, March 1999, paras 29 - 31).

RULE OF LAW

35. Following long-standing pressure by the international community, a re-investigation into the events of 10th of February in Mostar was opened on 20 April. On 10th February 1997, a number of West Mostar (Croat) police officers allegedly attacked a group of Bosniaks, whilst they were making their way to a graveyard visit in West Mostar on Bajram (an important Bosniak religious day). The police allegedly shot dead one person and some 19 others were injured by bullets. Following this incident, the BiH Ombudsperson issued a report recommending (1) that an impartial investigation be carried out based on the IPTF report and monitored by IPTF; and (2) those identified as involved in the incident after the investigation should be tried before a criminal tribunal. The investigation team, composed of 4 Croat and 4 Bosniak local police officers, all screened by IPTF, are to undertake an 'impartial and rigorous' investigation based on the earlier IPTF report and provide any new evidence to the Public Prosecutor. The investigation is to report after 2 weeks.

36. On 9-10 April, the Federation Ministry of Justice organised a meeting, co-sponsored by ABA/CEELI. Among other issues, discussions focused on the revised draft *Law on the Judicial Service Commission* drafted by a working group recently appointed by the Ministry. OHR had earlier requested the Council of Europe to provide an expert opinion on the Federation and RS drafts. The RS draft, which is based on the Slovenian model, is to be amended and re-submitted to international organisations in due course. In the Federation, the working group will now revise the draft further.

37. The reform of *criminal legislation in the RS* is still underway. The RS members of the team are expected to submit revised drafts soon, after which Council of Europe experts will then provide comments on these drafts. The RS Minister of Justice recently agreed to host a further plenary meeting of all RS and international members of the

expert team. The reform is a joint initiative of the RS Ministry of Justice, the Council of Europe, OHR, UNMiBH and the UNCICP/UNDP.

38. UNMiBH Judicial System Assessment Programme (JSAP), established in July 1998 by a Security Council Resolution to monitor and assess the judicial system in BiH, issued its first public report in April. The report, which covers the period from November 1998 to January 1999, provides an initial evaluation of the institutional aspects of the judicial system and a preliminary assessment of some technical and political standpoints. [**Report for the period November 1998 to January 1999** is available from UNMiBH JSAP program, Sarajevo HQ.]

RIGHT TO A FAIR TRIAL

39. On 26 April, the RS Supreme Court heard the appeals of the four Bosniaks convicted in the retrial of the Zvornik 7 case. On 12 December 1998, **Bijeljina** (RS) District Court sentenced three Bosniaks, Nedžad Hasić, Armo Harbas and Behudin Husić, to 20, 20 and 11 years imprisonment respectively for the murder of four Serb wood cutters in the beginning of May 1996. (The remaining defendant, Avdić Samir, was sentenced to 10 years imprisonment for the murder of a fellow Bosniak in absentia at the retrial after being released following the original trial.) At the hearing, the defense counsel called (1) for the annulment of the verdict; and (2) re-trial of the case in the first instance court.

40. The decision of the Supreme Court is due within a month. An international expert on the European Convention on Human Rights advised the Supreme Court in accordance with the recommendations of the BiH Ombudsperson. The international community will continue to follow the developments in the case (for further details see HRCC Monthly Report, January 1999, at paras. 16-18).

41. The trial of six individuals charged with the murder of the Deputy Chief of the Pale (RS) Security Centre, Srdan Knežević, in August 1998 ended with a not guilty verdict for all six defendants. This trial has attracted significant international attention primarily because the defendants, whilst in detention, were allegedly tortured by an RS investigation team, until they agreed to confess to the murder. The international community has welcomed this decision and notes that the Investigating Judge of the Sokolac (RS) Basic Court is currently conducting an investigation into the allegations of torture and other improprieties by RS police officers in this case (for further details on the UNMiBH investigation into the interrogation techniques employed by the RS investigation team see HRCC Monthly Report, January 1999, at paras. 13-15).

WAR CRIMES

42. On 13 April, Goran Vasić, a Serb, was found guilty by the Sarajevo Cantonal Court of war crimes and sentenced to 10 years imprisonment. Vasić was convicted on two accounts: (1) war crimes against the civilian population of Sarajevo in May 1992, including the illegal detention and expulsions of Bosniaks; and (2) war crimes against a group of prisoners held at Nedžarići barracks, including forced labour (the construction of a snipers nest) and beatings.

43. The original charge was of murder, which was subsequently substituted with a war crimes charge, after the ICTY reviewed the file. The indictment was then subsequently expanded twice to encompass charges of war crimes against civilians and crimes against prisoners. While Vasić was convicted of war crimes against civilians, the Court acquitted Vasić on the charge of killing Hakija Turajlić, Deputy Prime Minister of the Republic of Bosnia and Herzegovina. Turajlić was killed on 8 January 1993, while he was returning in an UNPROFOR APC to the centre of Sarajevo from a meeting at Sarajevo airport. The APC was stopped outside the centre of Sarajevo by Serb military units and Turajlić was shot through the open door of the APC while seated inside.

44. Despite the irregularities committed in the initial phase of Vasić's arrest when Vasić was arrested in violation of the Rules of the Road, the international community considers that the Court hearings were conducted in a fair and proper manner. Both the Prosecutor and the Defense Attorneys summoned many witnesses to testify before the Court. Testimony in the trial included the entry into evidence of statements of witnesses from the RS provided to the Srpsko Sarajevo court and then delivered to the Sarajevo Cantonal Court. In a comment on the decision the Presiding Judge regretted that the French UNPROFOR soldiers who witnessed the murder of Turajlić had not appeared as witnesses before the Court. Also the Court noted that it had not been possible to obtain the bullets found in Turajlić's body for examination by a ballistic expert. Because of the lack of evidence the Court acquitted

PRISON SYSTEMS

45. Two expert consultants selected by the Council of Europe for their wide experience in prison matters visited RS prisons during November and December 1998 to assess the prison system with a view to introducing appropriate reforms in line with the European Prison Rules. (A similar programme has already been conducted in the Federation). The expert consultants met with the RS Minister of Justice and Assistant Minister of Justice, visited five prisons in RS (Banja Luka, Bijeljina, Srbinje/Foca, Doboj and Srpsko Sarajevo), and met with representatives of the ICRC and the IPTF.

46. The 1992-1995 war in BiH seriously affected the RS prison system. Continuing problems with lack of resources cause serious difficulties in respect of food, heating, hygiene, healthcare, prisoners' clothes, investment and equipment of staff. The most significant legislative problem affecting the prison population include the death penalty on the statute book (although it is expected that the new RS Criminal Code will provide for its abolition and replacement by the introduction of life imprisonment). In addition the lack of an amnesty law – similar to that in the Federation – was considered a serious problem. Serious administrative difficulties included the lack of legal advice by qualified lawyers to pre-trial detainees and sentenced prisoners; lack of female staff; and long periods with the status of pre-trial detainees following an appeal against sentence. Cases included 2 1/2 years in Doboj, 2 1/4 years in Srpsko Sarajevo and 3 1/2 years in Banja Luka. [**Report of a Council of Europe co-operation visit to prisons and other institutions in RS, November-December 1998** available from the Council of Europe's Representative Office in Sarajevo on 387 71 667 785.]

WOMEN'S RIGHTS

47. There is growing awareness of the problem of trafficking of women for the purpose of forced prostitution in BiH as well as in the region. In December 1998 the Council of Europe, with the assistance of OHCHR, organised a conference on trafficking in Tuzla attended by government representatives from both Entities as well as international and local organisations. The conference confirmed what was already suspected: that trafficking is a major problem, the governments of both entities are aware of it, the main market is to serve the international community, and local police are known to be involved in some areas. It appears that the majority of women are from the Ukraine and are primarily trafficked through Serbia into the RS, where they are then sold to brothels in both the RS and the Federation.

48. In recent months more evidence has surfaced and programs to combat trafficking and to protect the women are being devised. In April several cases of trafficked women, who had been forced into prostitution, were uncovered. In one case, six women from Moldova and Ukraine were held in a night club in the RS near the FRY border, where they had been forced to work as prostitutes. Through a joint operation of UNMiBH, OHCHR and IOM, the women were safely taken out of the night club, where they had been held against their will, and repatriated to their home countries. In another case in the same region, four women from Moldova and Romania, also reportedly forced into prostitution, were found by IPTF. In this case due to difficulties in obtaining visas, the women were repatriated via Belgrade.

49. OHCHR has initiated a program to ensure protection of women who are in situations of forced prostitution including safe repatriation for those who request it, health care, counseling and legal advice. Part of the program is in cooperation with UNMiBH, with IOM providing assistance in repatriation. In addition legal reform and ensuring compliance with international obligations on the protection of human rights are being promoted in cooperation with the Council of Europe, OHR and local NGOs.

50. To date, OHCHR and UNMiBH have assisted 12 trafficked women who had been forced into prostitution, held against their will and ill-treated to be repatriated to their home countries with the financial assistance of IOM. In a number of cases intervention was not possible as the women were removed from the brothels before IPTF could intervene.

HUMAN RIGHTS INSTITUTIONS AND NGOS

51. The Human Rights Chamber met in Sarajevo for its Thirty-fifth Session from 12 to 16 April 1999. Although they were absent during the March session, the members from the RS did attend and participate in the April session.

52. During its session, the Chamber considered a total of 140 cases at some stage of the proceedings. The plenary Chamber considered eleven cases; Panel I considered 55 cases; and Panel II considered 74 cases. Twenty-seven cases were transmitted to the parties with requests for factual information or legal argument. There were no public hearings or public deliveries of decisions. As of 30 April 1999, the Chamber had 2038 registered cases and had issued 15 decisions on the merits involving 112 cases.

53. Both the Office of the Ombudsperson and the Human Rights Chamber report good cooperation with the respondents, as a result of the establishment of the offices of the agents to the Human Rights Commission. In late April, the OHR hosted a meeting of the Agents to the Human Rights Commission and representatives of the Commission. The meeting provided an opportunity for the agents to suggest ways in which to increase cooperation and maximize efficiency in their work with the Chamber and the Office of the Ombudsperson.

54. On 22-25 April, approximately 100 members of NGOs throughout BiH attended a conference on 'NGOs as Vehicles of Social and Political Change in BiH'. The conference was aimed at strengthening local NGOs to further develop civil society in BiH as a sustainable agent of political and social change. Local NGOs played a leading role in determining the content and structure of the event. The Conference Conclusions provided a vision for improvement of the relationship between NGOs and the ruling structures in BiH and included specific methods for NGOs to interact with citizens as vehicles for political and social change calling for, inter alia, a BiH-wide NGO law, better media access for NGOs, and mechanisms for NGO involvement in decision making, including the process of creating the Permanent Election Law.

NOTE: *The HRCC Human Rights Monthly 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 Bela Kapur or Sirpa Rautio or by e-mail to bela.kapur@ohr.int or sirpa.rautio@ohr.int.*

Office of the High Representative