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PROTECTION OF MINORITIES

Bosniak Homeowner Regains Access to Property

OSCE reported that on 4 August, a Bosniak man successfully gained entry to his home in Banja Luka (RS) in the presence of OSCE, UN IPTF, court officials, and local police who monitored as he changed the locks on the doors. The current occupants of the property (displaced persons who did not have official permission to stay there) moved out. OSCE had asked the RS Ministry for Refugees and Displaced Persons to provide alternative accommodation for the displaced persons, but later learned that the Ministry had not put them on a priority list for housing as had been promised. Local RS television reportedly ran a story on the event that accused the international community of "helping only Bosniaks and Croats" that also failed to mention that the Bosniak homeowner had court orders for his reinstatement. OSCE is raising the matter with the Media Experts Commission. A number of minorities have regained access to their homes through court-ordered reinstatements over the past few months, but in some cases, reinstatements have been blocked by crowds that gather at the scene. On 11 August, two court-ordered reinstatements failed in Banja Luka because in one case a crowd of protesters had gathered and in the other, the RS authorities had asked for a postponement so that alternative accommodation could be found for the current residents.

OTHER HUMAN RIGHTS ISSUES

OHR Welcomes Releases, Criticises Continuation of Exchange Mentality

On 12 August, the Bihac (Fed) authorities released Milorad Marceta, a Serb man detained on suspicion of war crimes in Bihac prison, following a response by the International Criminal Tribunal for the Former Yugoslavia (ICTY) that there was insufficient evidence in the case. Marceta was arrested in October 1996 after traveling to Sanski Most from Prijedor on an UNHCR bus. Marceta's arrest and subsequent detention for nine months was a clear violation of the Rome Agreement, which dictates that no person can be detained on suspicion of war crimes unless ICTY has already reviewed the case and found sufficient evidence. While commending the quick release of Marceta following the Tribunal's response, OHR noted that the ICTY response illustrated the importance of compliance with the Rome Agreement. If the case had been reviewed prior to Marceta's arrest as required, his 9-month detention without cause would have been avoided.

Exchange Mentality Criticized

International monitors reported that a Bosniak man being held by RS authorities in Kula prison in Lukavica and three Serbs (two of whom were juveniles) being held by the Federation authorities were released on 8 August in an exchange. All four had been convicted of common crimes and were serving sentences of varying lengths. The OHR, UN IPTF and other international organizations had been actively involved in the cases of the Bosniak man and the two Serb juveniles and had intervened repeatedly with the authorities since their arrests to advocate for their release. Responding to a Federation official who said that the international community had made no efforts regarding the Bosniak prisoner, a spokesperson for the Office of the High Representative said yesterday that while the international community welcomes the release of these four detainees, this step should have been brought about through due process of law, not through an exchange. The OHR called the remarks by the Federation's "exchange commissioner" an example of the "international blame game" and said that it is easy for "members of the Parties to continue to blame the international community for their own failure to engage in the process." He also said that the holding people for exchange purposes is a reminiscent of the war-time mentality and is counter-productive to the development of the rule of law in the long term. Last week, nine Bosnian Serb prisoners of war were released from Lora prison in Split, Croatia, and nine Croats convicted of criminal offences were released from prisons in the RS in an exchange. The international community had repeatedly called for the release of the nine

Serbs prisoners of war in accordance with Annex 1-A of the Peace Agreement.

RIGHT TO RETURN

Imposition of “War Taxes” Hinders Return

OSCE reports that several municipalities in the Federation, particularly in the Tuzla (Fed) area, continue to collect “war taxes” from returnees in contravention of instructions from Entity-level authorities to stop this practice. Citing wartime laws, returnees have been asked to pay a sum for each month they were out of the country during the war as a “contribution” to the war effort. These fees sometimes amount to thousands of DM, which many returnees are not able to pay. OSCE reports that returnees are also sometimes charging unduly high administrative fees for personal documents such as birth certificates. The Federation Ombudsmen have received similar complaints and note that many municipalities have not implemented their Office’s decisions in cases of this kind, nor have they been willing to supply necessary documentation about this issue. According to OSCE, Tuzla-Podrina Canton authorities have acknowledged that the collection of “war taxes” should stop and have reportedly asked municipalities to end this practice, but compliance has been limited. The OHR, UN IPTF, OSCE, and UNHCR are working on this issue and will insist that the Federation authorities hold the municipal authorities responsible for making sure this practice ceases.

Update on Drvar

In a continuation of efforts to facilitate the return of Serb displaced persons to their homes in Drvar (Fed), UNHCR reported that six Serb families have returned to the village of Bastasi and that arrangements are being made for the return of other 13 families. International organisations reported that the registration of other Serb displaced persons who wish to return to Drvar continues, and that approximately 130 heads of households have registered so far to return to the villages of Bastasi, Martin Brod, Sipovljani, Drvar town and a number of other areas. However, the Drvar authorities continue to delay the finalisation of a number of pending registrations. Looting of houses belonging to people who have registered has been reported in several villages. UN IPTF is also monitoring investigations into allegations of several arson incidents in the Drvar area last week, though it does not appear that the property belongs to any of the Serbs who have registered to return. International monitors are concerned that about 20 Croat families have reportedly been allowed to move into houses belonging to registered Serbs in Martin Brod. Local authorities have also stated that the village of Sipljovani has been earmarked for relocations of Croats. International organisations will follow up on these matters.

INSTITUTIONAL AND POLICY DEVELOPMENTS

Brcko Supervisor Issues Decisions

On 12 August, Ambassador Robert Farrand, Supervisor for Brcko, issued three decisions, the first of which mandates that returnees to Brcko may continue to hold Federation identity cards with a special plastic cover indicating that the card is valid until the final arbitration decision on Brcko is rendered. Previously, it had been decided that RS police would issue returnees with RS identity documents on the day and in the place of return. However, the RS authorities failed to direct the local police to implement this policy, which led the Supervisor to decide on the new arrangement. When the RS authorities agree to issue RS identity documents on the day and in the village of return, the Supervisor will reevaluate his decision and returnees will be obliged to accept the RS card. A second decision mandates that representatives of returnees, in particular the mayors of Rahic and Ravne-Brcko, must announce in writing intended group returns to the Return Commission at least one week in advance. Finally, the Brcko Supervisor noted that RS police have consistently refused to attend the weekly joint chiefs of police meeting in Brcko which is held to address issues of concern to the three police forces in the area. Drawing on the Brcko Arbitration Decision which empowers him to ensure the cooperation of the local police with UN IPTF, Ambassador Farrand mandated that attendance at this meeting is mandatory and that representatives must have sufficient seniority and authority to make decisions.

Ombudsperson Defends Work of the Federation Counterparts
The Human Rights Ombudsperson for BiH Dr. Gret Haller issued a statement on 8 August defending the work of the Federation Ombudsmen following a debate about their work at a recent session of the Federation House of Representatives. Haller said that the criticism that each of the Federation Ombudsmen (who are of different ethnicities) should only deal with applicants of their own ethnic background "puts the enjoyment of human rights in Bosnia into question in the most fundamental manner." Haller stated that human dignity is based on the fact of "being" as a "human being," and not on belonging to any particular group or groups. She said that she would encourage the Federation Ombudsmen to abide firmly by their principles and encouraged them to continue their present method of cooperation. The three Federation Ombudsmen jointly consider cases and make public statements and appearances together.

NOTE: *The HR Report is based on the most recent information available to the OHR from inter-governmental and non-governmental organisations. 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, attention Leah Melnick (leah.melnick@ohr.int), Kristina Koch (kristina.koch@ohr.int), or Vladimir Stanisic(vladimir.stanisic@ohr.int).*

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