Human Rights Report 7-13 July 97

PROTECTION OF MINORITIES

Minorities Harassed in RS Towns
UN IPTF reported that a Bosniak man was badly beaten by two policemen at his home in Banja Luka (RS) on 20 June. Monitors found him in his flat and arranged for an ambulance to take him to the hospital where he was treated for a broken jaw and a head laceration. The local police were unable to explain how the man had been injured, but alleged that he had attacked some policemen with a knife. International monitors are following up. A Bosniak man in Teslic (RS) was reportedly hit and kicked on 29 June by an unidentified man who also told him that he should go live in the Federation. Local police reportedly did not take any action in the case. UN IPTF also reported that a Catholic priest in Gradiska (RS) discovered several freshly-planted mines outside of his house on 29 June. Police removed the mines and are conducting an investigation. UN IPTF reported on 7 July that a Serb woman living in Vogosca (Fed) has been harassed by vandals who damaged windows of her house and wrote death threats on the outside wall. UN IPTF received a complaint from six Croat men in Mostar (Fed) who alleged that they were fired on by two Bosniak men on 3 July, damaging a nearby car. A Croat woman living in Doboj (RS) reported that she has been repeatedly harassed by a Serb neighbour who also threw a stone through her window on 7 July.

RIGHT TO RETURN

Harassment of Returnees Reported
A Bosniak woman told UN IPTF that she was detained by police on 10 June when she went to visit her house in Prnjavor (RS) and was told to leave town by evening or else she would be arrested. UN IPTF reported on 26 June that six uninhabited houses believed to belong to minorities in two villages in the Visegrad (RS) area were destroyed by explosives the day after a visit of Federation residents to family grave sites there. A Bosniak-owned house in the Mrkonjic Grad (RS) area that was being reconstructed by the owner in preparation for his return was reportedly damaged by an explosive device on 17 June, and a Bosniak displaced person reported that she was threatened by the owner of the house she is currently occupying in Ilidza (Fed) on 4 July. A Bosniak woman who attempted to return to her house in Jajce (Fed) on 26 June was allegedly told by local police that she has no right to live there because “no Muslims are living in Jajce”. Two policemen escorted her to the bus station and forced her to leave the area. UN IPTF issued non-compliance reports against two police officers involved in the incident.

OTHER HUMAN RIGHTS ISSUES

Mijacevic Released, Kuzmanovic Sentenced
Ivan Mijacevic, a member of the SDP Main Board who was arrested on 8 May by RS police in Modrica on war crimes charges, was released on 26 June after remaining in detention for more than five weeks. International officials had repeatedly called for Mijacevic’s release given that his arrest violated the Rome Agreement. Bosko Kuzmanovic, a RS policeman who was arrested on 12 May in Sanski Most and who local authorities had said would be investigated for war crimes (in violation of the Rome Agreement) was tried on 3 July and sentenced to 14 months in prison for illegal weapons possession. Though there have been few arrests in violation of the Rome Agreement in the past six months, human rights monitors report that the threat of arrest continues to impede freedom of

movement. They also note that local authorities in both Entities repeatedly refer to “lists of war crimes suspects” to block returns and visits. These lists are incompatible with the “Rules of the Road (RoR)” process deriving from the Rome Agreement. The OHR has called upon both Entities to release all persons detained in violation of the RoR and to submit files of all war crimes suspects to the Hague, and will follow up on an agreement of the Ministers of Justice of the two entities to issue instructions to all relevant authorities informing them of their obligations under the Rome Agreement. These instructions are to explicitly state that the only “lists” that are relevant for war crimes arrests are lists of persons already indicted by the Tribunal and in cases in which ICTY has found sufficient evidence under the RoR process.

Policeman Suspended Following Cross-IEBL Visit
UN IPTF has been investigating a case in which a Federation policeman in Tuzla (Fed) was suspended from duty in March after he visited a friend living in the Republika Srpska. The policeman, who was off duty and in plainclothes at the time of the visit, has reportedly been restricted to performing administrative duties with a loss of pay upon the orders of the Tuzla Podrina Canton authorities because the man who he visited is an ex-Tuzla policeman whose name is on a local “war crimes list”. Human rights monitors note that these lists are incompatible with the “Rules of the Road” process under the Rome Agreement. UN IPTF is investigating several similar cases in which Tuzla policemen have been disciplined for crossing the IEBL to visit friends.

“Arrest Now” Campaign Launched On 10 July, a coalition of leading human rights groups announced the launch of a world-wide “Arrest Now!” campaign to “press western leaders to order the arrest of the persons indicted for war crimes in the former Yugoslavia.” The campaign, joined by organisations such as Human Rights Watch, Amnesty International, the Federation Internationale des Droits de l’Homme, the International Helsinki Federation, and the Coalition for International Justice, was timed to coincide with the second anniversary of the 11 July 1995 fall of Srebrenica. At press conferences held on 10 and 11 July in Paris, Sarajevo, London and Washington, open letters from European and American NGOs and prominent individuals were released calling on political leaders to order the arrest of war crimes suspects. On 10 July, SFOR forces detained indicted war criminal Milan Kovacevic at the hospital in Prijedor without incident. In a separate detention action in Prijedor, Simo Drljaca, the former police chief in Prijedor, who had also been indicted by ICTY for war crimes, opened fire on SFOR soldiers as they approached him in order to detain him. Drljaca was killed when SFOR returned fire in self-defense. Both Drljaca and Kovacevic had been indicted by ICTY for complicity in genocide against Bosniaks and Croats in Prijedor during the period between 29 April and 31 December 1992.

INSTITUTIONAL AND POLICY DEVELOPMENTS

Coalition for Return Meets in Travnik

About 250 members of the Coalition for Return (CfR) from Bosnia and Herzegovina, the FRY, and several other European countries held a General Assembly session in Travnik (Fed) on 5-6 July. In a panel discussion, members of the “Shadow Government” and of the Federation Ministry of Refugees and Displaced Persons presented their strategies for returns, which were then debated by CfR members. The gathering also provided a forum for presentation of CfR’s project initiatives, such as the “roofs project,” the CfR bulletin, and the planned legal aid clinics. Coalition members decided that in the coming months, the CfR will apply to OSCE to be “poll-watchers” for the municipal elections, will draft a letter protesting the new customs law, and will seek to participate in negotiations with donor countries regarding funding for reconstruction projects.

RIC Officially Opens
The Repatriation Information Centre (RIC), established to enable the exchange of data between Bosnian governmental bodies, international organisations, and host countries where Bosnian refugees are currently living, officially opened in Sarajevo on 9 July. The Centre will compile data on issues affecting the return of refugees through a computerised system which will be accessible to refugees living abroad through non-governmental organisations, and to professionals involved in refugee resettlement. The information in the data base comes from a variety of sources, including Governmental agencies and international and domestic organisations working in Bosnia and Herzegovina

Public Hearing Held on Damjanovic Sentencing
The Human Rights Chamber for BiH held a public hearing on 9 July on the merits of an application brought before it on behalf of Sretko Damjanovic, who is currently held under sentence of death in Sarajevo prison. The Chamber stated that the case "raises issues as to whether the carrying out of the death sentence would now be compatible with the European Convention on Human Rights and its Sixth additional protocol (which provides for abolition of the death penalty)." The applicant's representative had complained to the Chamber that there is a danger that the sentence will be carried out, and had also complained about Damjanovic's treatment in the proceedings against him. Damjanovic was convicted by a District Army Court in 1993 of genocide and crimes against the civilian population and was sentenced to death. On 30 July 1993, the High Court in Sarajevo altered the factual basis of the conviction, but upheld the death sentence. An application for review of the conviction on the basis of fresh evidence was recently made by Damjanovic's defense counsel, but was refused by the Cantonal Court on 27 May 1997. An appeal was made to the Federation Supreme Court on 14 June. The Chamber is confining its examination of the case to considering whether or not the applicant's human rights have been violated or threatened since the Peace Agreement came into force.

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).*

Office of the High Representative