

# **OHR Bulletin 47 - May 10, 1997**

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## **Table of Contents**

### **Council of Ministers**

*BiH Council of Ministers met for a working retreat in Dubrovnik on 5-6 May*

### **ICTY**

*ICTY for the Former Yugoslavia Trial announced verdict on Dusan Tadic case*

### **BiH Parliamentary Assembly**

*Session of the House of Representatives of BiH Parliamentary Assembly again postponed*

### **BiH Federation**

*House of Representatives of the FederationParliament met on 6-7 May*

### **Human Rights**

*Violation of Federation Constitution following arrest of opposition MP Ibrahim Djedovic*

### **Right to Return**

*Incidents with Sebs in the Croat controlled region of Drvar*

### **Elections - Brcko - Mostar**

*Ambassador Robert Frowick announced decision of Provisional Election Commission with regard to the municipal elections in Brcko and Mostar*

### **OSCE**

*PEC approved applications of 82 parties in forthcoming municipal elections*

### **Open Broadcast Network**

*OBN reached with Sarajevo station 'TV X'*

### **Freedom of Movement**

*UN IPTF annouced new guidelines for police checkpoint procedures*

*Please consult our Bulletin Category List for related information*

## **Council of Ministers**

The BiH Council of Ministers met for a two-day working retreat in Dubrovnik on 5-6 May. The purpose of the special session was to hold intensive discussions, under the chairmanship of Principal Deputy High Representative, Ambassador Michael Steiner, on the Quick Start Package of Draft Laws, in particular the Foreign Debt Law and Budget Law in an attempt to hasten progress of their adoption. The session proved useful in steering the debate in the right direction and led to the adoption of the Budget at the next working session of the CoM which was held 2 days later.

At their four hour session in Lukavica on 8 May the Council of Ministers reached an agreement on the 1997 Budget Law for BiH, as well as the Budget Execution Law. The Budget amounts to 136 million DEM, 97m of which will go to service the debt. 31.5m will be for the operational expenses for the BiH common institutions, and will include 15.2m for salaries, and 14.3m for material and other costs and investments. DEM 2m will be for other institutions to be defined by the Presidency. The adoption of the Draft Budget Law is an important step towards fulfilling the main conditions for reaching an agreement with international financial institutions, including the International Monetary Fund (IMF) and the World Bank, leading to the convening of a Donor's Conference. The Budget will go to the Presidency, who will approve it and pass it to the BiH Parliamentary Assembly for final approval.

HR Carl Bildt warmly welcomed the adoption of the Laws by the CoM, "I congratulate the CoM and warmly welcome

their adoption of the Budget which represents a vital step in making the common institutions operational”, he said.

## **ICTY**

On 7 May the International Criminal Tribunal for the Former Yugoslavia Trial Chamber II (composed of Judge Gabrielle Kirk McDonald, Presiding Judge Ninian Stephen and Judge Lal Chand Vohrah) announced its verdict on the Dusan Tadic case, finding him guilty on 11 counts which charged him with persecution and 14 beatings. In this context he was found guilty of crimes against humanity and violations of the laws and customs of war.

11 counts relevant to the accusations of “Grave breaches of the 1949 Geneva Conventions” were found to be not applicable (by a majority of two to one – Judge McDonald dissenting) and Tadic was found not guilty on these charges. He was also found not guilty on 11 counts charging him with 13 murders, 5 beatings, 2 inhumane acts and one case of abuse of prisoners.

Tadic, a Bosnian Serb arrested in Germany in February 1994, had been charged with individual criminal responsibility, on 31 separate counts, of persecution, murder, beatings and other offences alleged to have been committed in 1992 in the Prijedor district (northwestern part of the Republic of Bosnia and Herzegovina), and more specifically at the Omarska, Keraterm and Trnopolje camps, in Kozarac and in the area of Jaskici and Sivci. He had pleaded not guilty and “raised a defense of alibi” saying “that he was elsewhere when each of those acts [referred to in the counts] is said to have occurred..”

Sentencing on this verdict which represents the first ever judicial condemnation of the “ethnic cleansing” policy, is scheduled to take place on 1 July, but announcements by the prosecution and defense that they will file appeals means a postponement of some weeks is likely.

## **BiH Parliamentary Assembly**

Following a one day postponement of the session of the House of Representatives (HoR) of the BiH Parliamentary Assembly, both Houses suffered a further setback on 9 May when the sessions were again postponed due to the late arrival of the Serb Delegates from Pale and a failure to confirm an earlier agreed agenda. Following a meeting of the Collegia of the BiH Parliamentary Assembly, the session was cancelled by the Chair of the HoR, Ivo Lozancic.

## **BiH Federation**

The House of Representatives (HoR) of the Federation Parliament met on 6-7 May for ongoing debate on the Draft Law on Split and New Municipalities and discussion on the amendments to the Federation Constitution regarding the organisation of Mostar and Sarajevo. The latter issue, specifically relating to amendments 25 and 26 of the Constitution, was unanimously adopted. However, the House failed to agree on the final versions of drafts on the former issue, dealing with the alteration of borders in municipalities divided by the IEBL and the organisation of new municipalities. On the 7 May session, at the proposal of the mandate and the Immunity Commission, the House decided to cancel the immunity of Ibrahim Djedovic. Prior to the announcement of the decision HDZ deputies abandoned the session as Djedovic’s immunity was still valid before the arrest was made, thus violating the Federal Constitution. The HoR will continue the session on 14 May.

The Federation House of Peoples (HoP) convened the second part of its fourth session on 8 May and the focus of discussion was again on the Law on Split and New Municipalities. The session was adjourned after failing to reach agreement. They are expected to meet again to continue the debate on 15 May.

## Human Rights

On 7 May, Mr. Ibrahim Djedovic, a DNZ (Democratic People's Union) opposition party member, was arrested at the Federation Parliament Building in violation of the Federation Constitution which provides immunity to Members of Parliament. Principal Deputy High Representative, Ambassador Michael Steiner, has written to Federation President Soljic and Vice-President Ganic condemning this violation of the Constitution and requesting that at a minimum Mr. Djedovic be held under house arrest rather than in prison, that the case be transferred from the Bihac Court to Sarajevo, and that Mr. Djedovic's fundamental rights be fully respected.

The arrest and subsequent lifting of Mr. Djedovic's immunity by the Federation Parliament was a "clear violation" of Chapter IV. A.3, Article 13 (2) of the BiH Federation Constitution – on immunity of Members of the Federation Parliament, said Ambassador Steiner. Contrary to some reports, the Hague Tribunal had not requested Mr. Djedovic's arrest. Instead, the case had been submitted by the Federation authorities for review by the Hague Tribunal as required under the Rome agreement of 18 February 1996 (the Rules of the Road) to determine whether there was sufficient evidence under international standards for proceedings to be initiated against Mr. Djedovic. Although the Prosecutor did find sufficient evidence for an investigation to continue in this case, the Tribunal has confirmed that it will not seek to prosecute Mr. Djedovic.

In his letter to the Federation authorities, Ambassador Steiner outlined the minimum steps which should be taken in this case :

1. Mr. Djedovic's case should be transferred from the Bihac High Court to the Sarajevo High Court.
2. He should not be detained in prison but continue to be held during the proceedings under "house arrest".
3. The conditions of house arrest would be: (a) Mr. Djedovic would reside in Sarajevo under Federation police surveillance (b) the Federation police would be monitored at all times by UN IPTF and follow instructions given by them.
4. The investigation would proceed promptly and in full accordance with international standards.
5. In accordance with its mandate, the IPTF would be able to monitor every phase of the proceedings, and be present during questioning.
6. Mr. Djedovic would be able to retain a lawyer of his own choice, and this lawyer would have unrestricted access to his client, beginning immediately.
7. The investigation would be completed promptly and at the close of the investigation by Sarajevo judicial institutions, the case would be submitted to the ICTY Prosecutor for review. Mr. Djedovic would be indicted only if the ICTY Prosecutor found sufficient evidence for trial under international standards.

Ambassador Steiner pointed out that the failure to provide these minimum guarantees would present a fundamental violation of Mr. Djedovic's rights. Steiner emphasised that the rule of law applied to all persons, regardless of their political affiliation. "This incident represented a violation of one of the most fundamental rules a parliament has. On the other hand – we want justice to be delivered. But it must be done in such a way that confidence in the governing institutions is not eroded" , he added.

The Human Rights Ombudsperson for BiH, Dr. Gret Haller, presented the first Annual Report of her Office, in addition to a publication containing Decisions and Reports of 1996, at a press conference in the Holiday Inn on 5 May. The Report outlines the nature and outcome of some 500 registered case of human rights abuses as defined by the Convention on Human Rights, most of which pertain to property rights. Issues concerning due process and police abuses were also high on the list of reported violations.

*The annual report of the Office of the Ombudsperson is available by phoning tel: +387 71 666 006; fax: +387 71 666 007 in Sarajevo or tel/fax: +381 78 33 992 in Banja Luka.*

## Right to Return

HR Carl Bildt visited Drvar on 7 May following the arson attacks of 2-4 May in which at least 25 houses, all of which formerly belonged to Serbs, were burned down in Mokronoge, a village near the Croat controlled town of Drvar. A further 25 houses had been partially dismantled in the same area – in apparent preparation for burning. After a briefing at the SFOR Canadian Battle Group Mr. Bildt visited the site of the burnings and spoke with some of the Serb families still living in the area. The incidents had occurred as negotiations on return were taking place at a meeting of the International Mediator for the Federation, Dr. Schwarz Schilling, with the Drvar local authorities.

A further incident in Drvar on 7 May involved the need for international organisations to detour and escort a bus of Banja Luka DP's who were visiting their village of Trubar (30 km south of Drvar) in order to prevent it from being attacked by an angry crowd which had gathered along the intended route.

On 9 May OHR and UNHCR met with the local authorities to discuss the need for local confidence building measures to help dispel the fears of DP's living in Drvar, as well as of those people who wished to return to the town. The Mayor confirmed that Serb DP's could start returning, on a case by case basis, and the details of how this would be achieved were concluded.

UN IPTF reported that on 5 May a group of four Serbs travelled to the village of Tinja, near Tuzla, to request documents at the municipality building. They parked their vehicle (with RS registration plates) outside the building and one woman went inside to make the request. When she came back, a mob of people were in the process of demolishing the vehicle. All the victims sought shelter in the municipality building, but the crowd followed them, damaging the door. The local police and the Minister of Tuzla Canton arrived to calm the situation and the crowd finally dispersed some 8 hours later. UN IPTF officials commended the professional behaviour of the local police in this incident, pointing out the contrast in police procedures between this case and last week's events in Brcko, where local police were unable to prevent the stoning of the buses.

## Elections - Brcko - Mostar

Head of the OSCE Mission to BiH, Ambassador Robert Frowick, announced at a press conference on 8 May the decision of the Provisional Election Commission with regard to the municipal elections in Brcko and Mostar. The press conference was also attended by the High Representative, Carl Bildt, Deputy Commander of SFOR, General Phillipe Mansuy, Special Representative of the UN Secretary General, Ambassador Kai Eide, and the Senior Deputy Head of the OSCE Mission, Ambassador Richard Ellerkmann.

As Chairman of the PEC Ambassador Frowick said he had taken the decision that municipal elections would go forward in the Brcko area and that an electoral district for the elections would be established in the pre-war Brcko municipality now under the control of the RS. On the Federation side, the de facto governing arrangements in Rahic Brcko and Ravne Brcko did not permit the PEC to proceed with elections there. The only local elections that would take place on the Federation side would be to enable the displaced persons from the RS side of the Opstina to vote in the elections which were "aimed at establishing a multi-ethnic governing body to be located in Brcko Grad" said Ambassador Frowick.

Urging all sides to "*keep their eyes firmly on the final arbitration Decision*", to be announced in early 1998, Ambassador Frowick cautioned that the behaviour and cooperation of the parties with the Interim Award and decisions of the Supervisor would influence the Final Decision. The recent stoning of the bus in Brcko was "*clearly an example of behaviour that would have a serious impact*". Ambassador Frowick also warned that "*any attempt by either party to boycott the elections would undoubtedly be viewed by the Arbitrator as an extremely serious obstruction of efforts toward a democratic solution in Brcko, and could prejudice the case of whichever side took such action*".

Concerning Mostar, Ambassador Frowick said that this was another municipality where the PEC would have to take into account special arrangements and structures that had been formally agreed. On 3 April, the PEC had decided that municipal elections would take place for the six city-municipalities in the Mostar Opstina. The PEC had started considering ways to implement that decision in a manner which reflected the principles agreed to in the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina, as well as the follow-on Interim Statute for

the City of Mostar. The PEC invited representatives of the parties that won seats in the EU Supervised elections of June 1996 to present their views, said Ambassador Frowick.

HR Carl Bildt welcomed and supported the PEC decision on Brcko, saying that he believed it to be a *“logical conclusion of the Interim Arbitration Award”* which would *“assist the work of the arbitrator and the Brcko Supervisor, Mr. Farrand, in the conduct of his difficult but immensely important task over the months ahead, and over the coming year”*.

## OSCE

On 6 May the Provisional Election Commission (PEC) fully approved the applications of 82 political parties, and conditionally approved the application of five political parties to participate in the forthcoming Municipal Elections. Applications of two additional parties are delayed while the PEC awaits further information.

The list of approved parties' names, which include 46 of 48 political parties from last year's elections, was released by the OSCE. Two of last year's parties were not authorized to participate; one because it had submitted a coalition application consisting of different political parties than those that comprised the coalition the previous year; the other because they submitted on behalf of another party which had also submitted a confirmation form. Of the 45 new party submissions, 36 were fully approved. Five additional parties' applications were conditionally accepted on the basis that they change their name because it is confusingly similar to the name of another party. Two applications were rejected because they submitted fraudulent supporters' lists, and two further applications are pending while the PEC awaits receipt of the parties' supporter lists.

## Open Broadcast Network

The Open Broadcast Network (OBN) reached an agreement earlier this month with the Sarajevo station “TV X” as a result of which the Network's full programme output can now be seen in the Sarajevo region through this local broadcaster. The agreement, which came into effect on 7 May 1997 now gives the inhabitants of Sarajevo the opportunity to follow the six-hour-long programme schedule in its entirety. Previously, only the central daily news and current affairs programme “TV INFO” was carried in Sarajevo by another local broadcaster, TV Hayat. The OBN continues to pursue plans to extend its coverage of BiH, both in the Federation and in the RS, and a number of similar arrangements are expected shortly.

## Freedom of Movement

UN IPTF announced on 9 May new guidelines for police checkpoint procedures. The IPTF Checkpoint Policy plan has been established to reduce the number of checkpoints, which have increasingly been shown to be a major obstacle to FOM and are often used as border control stations, particularly along the IEBL. Training of local police to enable them to accomplish their tasks and police their areas of responsibility without fixed checkpoints will also be provided. There will be no difference between crime checkpoints and traffic surveillance checkpoints – both of which have been used to check travellers unnecessarily and thus restrict FOM. There will be no checkpoints without prior arrangement from the IPTF, and on a weekly basis local police will have to submit information regarding the legitimate purpose, number, type and location of all checkpoints to the IPTF station for review. IPTF will then issue permits. The new procedures will not prevent police from establishing checkpoints in an emergency situation as they deem necessary, but it is “imperative” that the police inform IPTF immediately of such checkpoints. The policy also still allows normal policing for traffic control. Unauthorised checkpoints will be removed, with SFOR support if necessary, and the ID cards of the police officers involved will be confiscated. IPTF will conduct investigations and issue non-compliance reports on anyone failing to adhere to the guidelines. The new procedures, which were submitted to the Interior Ministers of both Entities ten days ago, will come into force on 15 May.

UNHCR announced on 7 May the opening of two new bus routes crossing the Inter-Entity Boundary Line (IEBL) from

Brcko to the Federation. The Brcko-Brka-Seonjaci route and the Brcko-Orasje-Brcko routes bring the total number of UNHCR cross-IEBL bus lines to fourteen.

## Looking Ahead

### 14 May

BiH Federation House of Representatives Session

### 15 May

BiH Federation House of Peoples Session

*See our [Chronology](#) for a full list of activities*

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

*Tel. (387-71) 447 275 ext. 562. & Fax (387-71) 447 420.*

*Callers from outside BiH dial via Brussels switchboard: Tel. (32-2) 737 7500 & Fax (32-2) 737 7501.*

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