

# **OHR Bulletin 45 - April 25, 1997**

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## **Human Rights**

The Principal Deputy High Representative, Ambassador Michael Steiner, wrote to RS Prime Minister Klickovic on 24 April to protest judicial proceedings in the cases of seven Bosniac men in Zvornik, calling the trial and the verdicts a "miscarriage of justice" which "laid bare the [RS's] failure to uphold even minimum fair trial standards." The trial, which lasted only two days and heard short (34 minutes in total length) testimonies from just three witnesses – all for the prosecution – had been consistently and vigorously condemned by the OHR, and other international organisations, including the [UN](#), the [OSCE](#), and human rights groups, as a "farce", a "travesty" and one which was "fundamentally flawed". Three of the seven men were each sentenced to 21 years in prison for murder and for illegal weapons possession; the other four were sentenced to one year in prison for illegal weapons possession, but were released the same day in view of the fact that they had already served most of their sentences.

In his letter Ambassador Steiner stated that the defendants had been denied legal counsel of their choice and that the court-appointed RS lawyers had not given their clients effective legal representation. Ambassador Steiner also reminded Klickovic that he had not upheld his assurances that Federation lawyers would be allowed to act as co-counsel in the cases.

The High Representative, Carl Bildt, had also raised this matter with RS President Plavsic earlier in the day, and she agreed that the defendants had been denied the right to counsel of choice, and that this violation must be remedied. In his letter, Ambassador Steiner noted that the flaws in the trial itself were "*numerous and profound*". He demanded that the defendants be given a fair trial and that on appeal, the Higher Court remand the case based on the gross procedural violations in the Lower Court proceedings, and that the case be retried. "*If the RS is not capable of fulfilling the requirements for a fair trial, then the defendants must be released,*" he said. "*Your Government complains that it has been denied a substantial share of the international economic aid given to BiH. You must be aware that the failure of RS to respect basic democratic standards is, and will be, a key obstacle to assistance*" concluded Steiner.

The Human Rights Ombudsperson for BiH issued a Special Report on the Mostar incident that occurred on 10 February 1997. The Ombudsperson found that Mostar authorities had violated the European Convention on Human Rights in failing to carry out an impartial and thorough investigation into the shootings and to conduct a proper trial. She also found that the shooting at the procession by members of west Mostar police, resultant death of a Bosniac, wounding of nineteen other Bosniacs, and beating of procession members by west Mostar policemen violated the right to life and the right not to be subjected to inhumane treatment. The Ombudsperson recommended that the Federation Ministers of Interior and Justice carry out an impartial criminal investigation in

accordance with international human rights standards.

In a separate report referring to a case in Prnjavor the Ombudsperson concluded that RS authorities had violated the European Convention when on 14 September 1996 an RS policeman arbitrarily detained a Bosniac man and physically and verbally abused him while he was in police custody. She recommended that the RS authorities financially compensate the man and fully investigate the misconduct of the police officer.

## Refugee and Humanitarian Affairs

Under the chairmanship of the UN High Commissioner for Refugees Mrs. Sadako Ogata, the Humanitarian Issues Working Group of the Peace Implementation Council, (HIWG) met in Geneva on 23 April 1997.

The main document before the delegates was the revised and updated version of the *“Working Document on Repatriation and Return: BiH”*, which had been presented and broadly endorsed a month earlier in the Consultative Meeting on Planning for Repatriation to BiH. It enjoyed wide support during the 40 odd interventions of the delegates this time.

Also warmly welcomed was the Joint Statement made in the Consultative Meeting in Geneva on behalf of the Ministerial Council of Bosnia and Herzegovina, the Government of the Federation and that of the Republika Srpska. Many urged the signatories to follow up their commitments with concrete actions.

The first main speaker, High Representative Carl Bildt, gave an overview of the developments concerning the return of refugees and displaced persons and the successes and obstacles encountered. Although the political process is moving forward, the number of steps that remain to be taken remains considerable.

He presented the report of the Return and Reconstruction Task Force (RRTF) to the representatives of the International Community. This report, the product of OHR, UNHCR and other members of the Economic Task Force culminates in 6 recommendations on how to link return and reconstruction most effectively. Unfortunately it had to identify a funding shortfall in housing of +/- \$US 300 million. One possible source of funding might be the Social Development Fund of the Council of Europe.

The second main speaker, Ambassador Kai Eide, Special Representative of the UN Secretary General, addressed the problems that the continuing existence of three different police forces – in violation of the Dayton Agreement – pose to the free movement of goods and people. He highlighted the close co-operation with and the support from SFOR, UN IPTF enjoys in executing its manifold tasks. He also dealt with the problems regarding de-mining and removal of unexploded ordnance, both major impediments to the return of refugees in many parts of BiH. Here the need for additional funding was underlined, in order to enable the UN Mine Action Centre to continue its work beyond May 1997.

Prior to the HIWG meeting Mrs. Ogata visited BiH, from 14-16 April meeting with numerous BiH and international officials in Sarajevo, Bihac, Gornji Vakuf, and Brcko. At a press conference held at the office of Bill Farrand, Deputy HR for Brcko, Mrs. Ogata said that this was the year of the return of refugees and displaced persons. The main task of the UNHCR at this moment was to help the Supervisor with his job, especially with respect to the return of refugees, she said.

## Economic Issues

HR Carl Bildt accepted an invitation to open the International Spring Business Fair “PROMO 97” in Tuzla on 22 April. The event was attended by senior Bosnian economic and business officials who discussed ways of boosting the competitive abilities of the Bosnian economy on the international market and in the process of reconstruction and transition.

In his address Mr. Bildt said that there was no doubt that since his visit to PROMO in spring last year the economic situation in BiH, and primarily in the Federation, had made a rapid but fragile recovery. However, this had more to do with the inflow of money related to the presence of international organisations and World Bank and European

Commission reconstruction projects than with the real beginnings of a sustained and self supporting economic recovery. The 1996 transition from humanitarian assistance to reconstruction assistance must be followed by a shift to genuine economic reform. "Without radical economic reforms, BiH will not recover, and this conclusion is irrespective of how many billions of dollars or DEMs [...] is contributed by the international community" cautioned Mr. Bildt.

Mr. Bildt expressed concern that economic issues were not being given the priority needed. The tendency to block progress on key economic issues if political conditions of one sort or another were not being met had resulted in a "policy vacuum" where the old style structures of a bureaucratic command economy still defined the framework of business activities. Outlining the important steps that had to be taken urgently, including the full implementation of the relevant "Quick Start Package" Laws and the restructuring of the banking sector, Mr. Bildt said that PROMO had demonstrated the talent that was in BiH. It was "up to the political institutions of the country - on the state level as well as in the two Entities - to take action and undertake the reforms that would prevent this talent from being betrayed in the years ahead" he said.

## BiH Presidency

The Presidency of BiH met the North Atlantic Council (NAC), comprising Secretary-General Solana, SACEUR General Joulwan and the Ambassadors of 16 NATO member countries, in the National Museum, Sarajevo, on 18 April 1997. HR Mr. Bildt and SFOR Commander General Crouch were also present at the meeting.

The main topics discussed were the Standing Committee on Military Matters and the current status of the implementation of the Dayton Peace Agreement. The NAC urged the parties to improve cooperation within the Committee and offered assistance to this end.

## RS National Assembly

The seventh session of the RS National Assembly was held at Hotel Bistrica in Jahorina on 23 April.

Discussion focused on the basic RS economic policy for this year, which was adopted in principle by the deputies following a number of accepted amendments to the proposed text. Full adoption of the economic policy is expected at the next parliamentary session. Prime Minister Klinkovic addressed the Parliament saying that the essence of the economic programme was consolidation and reconstruction of the RS. In addition to passing laws on Electricity Management, Foreign Currency, market inspection and agricultural issues, a revised budget for 1997 was also adopted.

## Federation

The fifth session of the Federation House of Representatives (HoR) was held on 16 April in Sarajevo. A "*Proposal on Law on Confirmation of Laws Adopted by the Constituent Assembly of the Federation of Bosnia and Herzegovina*" was the sole agenda item passed, whilst the Draft Law on Split and New Municipalities and the Proposal of Constitutional Amendments remained undecided. Regarding Constitutional Amendments, the Head of the Commission for Elections and Nominations reiterated that this issue should be taken up by a Constitutional Commission. Following the subsequent election of this Commission, it was agreed that Commission members would work on the Constitutional Amendment proposals for the next session. Deputy HR, Ambassador Michael Steiner, addressed the HoR on the need to act quickly on the adoption of the Municipality Law. OSCE was under enormous time pressure because of the upcoming elections and could be compelled to take a decision if the Parliament failed to do so, he said. Ambassador Steiner's proposal was accepted such that this item would be the first agenda item at the next session scheduled for 22 April, which has been further postponed to 6 May.

## Right to Return

Deputy HR and Supervisor for Brcko, Mr. Bill Farrand, announced on 24 April the procedure for return of refugees to Brcko. Under Annex 7 of the Peace Agreement all refugees and DPs are entitled to return home. They must submit evidence of ownership or other relevant documentation and within 60 days previous tenants will have to vacate their premises. Supervisor Farrand is empowered to decide on priority areas of return and categories of returnees.

Approximately 400 local residents held a demonstration in front of the municipality building in Drvar on 16 April to protest visits and potential returns of Serbs to the area, as well as the policies of international organisations, and local economic conditions. International monitors reported that last week municipal authorities rescinded their earlier demand that passengers on the UNHCR cross-IEBL bus could only stay for 24 hours in the town, but also reported that local radio was continuing to broadcast negative statements about returns of displaced persons. The Media Experts Commission is addressing the issue of the radio broadcasts, and international organisations are intervening with the local authorities on the issue of return of displaced persons and the protection of minorities currently living in the municipality.

The Federation Ombudsmen's Institution is reportedly planning to open an office in Drvar in the near future.

## Media Issues

The OSCE Media Experts Commission (MEC) weekly met on 24 April in Sarajevo. Representatives to the MEC of both Entities spoke about the need of the Open Broadcast Network (OBN) to be a success, stressing the importance of the independent media. RS representatives in particular said they were pleased to hear that the affiliate station in Banja Luka was now going through the required registration processes. It was understood that they would still be able to retransmit the OBN signal into the RS whilst this process was underway. This is in accordance with PEC rules which provide an umbrella to allow broadcasting to continue until the necessary registration processes have been completed. The RS representatives also emphasised the need to support the RS broadcasting infrastructure both at the State and independent level.

During the course of the meeting the MEC also addressed several ongoing cases arriving at three main decisions:

1. The apparent refusal by Zvornik prosecutor to return RTV-TPK Tuzla's video camera and equipment, which was unlawfully seized by RS police in the ZOS between Tuzla and Mahala on 15 February 1997 resulted in MEC approval of a letter to the Prosecutor explicitly ordering the return of the equipment within 7 days. Non-compliance will result in Zvornik TV being required to broadcast 30 mins of RTV-TPK programming daily, at a time of MEC's choosing until the camera is returned.
2. Following the unlawful detention by RS police of an SFOR spokesman and a Canadian broadcasting crew, in Kula on 12 March, MEC approved a letter to be sent to RS Minister of the Interior Kijac explaining that the Kula police had violated Articles 125 and 126 of the PEC Rules and Regulations and directing Mr. Kijac to inform the Kula police Chief specifically, and ask that he disseminate the Rules and regulations as widely as possible.
3. The MEC directs that Vecernje Novine newspaper either retract or substantiate a story published on 3 March entitled "SFOR Sakrio Kriminalce" (SFOR Hides Criminals). The editor-in-chief of VN has agreed to a meeting with the MEC Chairman and SFOR MEC representative.

## Looking Ahead

**29 April**

EU General Affairs Council, Luxembourg

**29 April**

Fourth session of the Federation House of Peoples

**30 April**

Mr Bildt to visit UN Security Council, New York  
BiH Parliamentary Assembly to meet

**1-2 May**

Mr Bildt in Washington for talks with US

**6 May**

Federation House of Representatives 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.*

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