

# **OHR Bulletin 42 - March 29, 1997**

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## **Mostar**

- On 26 March, UN IPTF and the Human Rights Coordination Centre (HRCC) released a report, prepared on the request of the Principals of the major implementing agencies, on the events preceding and following the 10 February shooting incident in Mostar. The report covers human rights, security and other incidents in Mostar from 1 January – 15 February 1997, and shows that during this period, a number of residents and visitors on both sides of the city faced threats to their security, from, among other things, explosions, illegal evictions, and physical and verbal assaults.

The report also revealed that immediately following the 10 February shooting incident the pattern of abuse took on an entirely different dimension, with some 91 incidents occurring within a 24-hour period. Police on both sides failed to effectively address the incidents, and in many cases, were directly involved.

- Principal Deputy High Representative Ambassador Steiner sent a letter to the Federation President, Vladimir Soljic, and Vice President, Ejup Ganic on 26 March in which he stated that the report “*graphically shows that neither the political authorities nor the police of Mostar have reacted appropriately to the human rights and security situation in the city [and] the police have consistently failed to respond to incidents involving victims of an ethnicity other than their own.*” He also stated that the political authorities had not appropriately addressed the mounting

tensions within the city, and had communicated with one another through the media, instead of using more constructive means.

The letter outlined five concrete steps to be taken urgently in order to address the enduring problems in Mostar, which included: the establishment of an integrated cantonal police force and full participation in the UPFM until this force is operational; the removal of speed bumps on the east side of the Bulevar by 29 March; the full establishment of the remaining city and cantonal administrative structures; and, the cessation of inflammatory media statements and commencement of joint press conferences by city and cantonal leaders. Police on both sides of the city are also required to conduct investigations into the series of incidents on the M-17 highway and the illegal evictions that occurred from 10-11 February, and the perpetrators of these crimes are to be prosecuted to the full extent of the law before an independent and impartial tribunal. Steiner also said that he would *“not hesitate to use the sanction of requesting EU and Steering Board governments to restrict travelling to Europe and overseas against those who continue to permanently obstruct our efforts to stabilise the situation in Mostar,”* including political leaders.

- The Principal Deputy High Representative, Ambassador Steiner, wrote to Federation President Soljic and Vice President Ganic to express his concern about the 20 March trial of five policemen in west Mostar, three of whom were identified in the initial UN IPTF report as having fired into a crowd of Bosniak cemetery visitors on 10 February. The three policemen were given suspended sentences of one year or less on charges of *“mistreatment in the discharge of duty,”* in summary proceedings which Ambassador Steiner said *“were not independent, impartial, or properly announced to the public.”* Steiner noted that by indicting the three men for a minor crime, the Public Prosecutor had avoided judicial investigation of the case. This had ensured that the proceedings did not address the fact that the events of 10 February, including the shooting by west Mostar policemen, had resulted in the killing of one person and the wounding of at least 20 others.

He also noted that the trial was *“seriously flawed”* in a number of ways, including the fact that criminal investigators and participants in the intended visit had not been questioned; that material evidence presented to the court had not included the findings of the UN IPTF report (including photographs of two of the defendants firing at the backs of retreating marchers); and that the Prosecutor had not used any of this evidence to call into question the obvious perjury by all three officers that they were not armed.

In view of the fact that prosecution of the three officers to the fullest extent of the law had not taken place as required, Ambassador Steiner requested that the Federation Government ensure that correct legal proceedings based on a new indictment take place, and that a proper criminal investigation be undertaken. As the UN Security Council decided on 11 March to remain actively seized of the matter, Ambassador Steiner asked the Federation President and Vice President to keep him informed of all steps taken to ensure compliance with his requests.

## **Council Of Ministers**

- The Council of Ministers (CoM) met on 28 March in the National Museum, Sarajevo. Co-Chairman Boro Botic chaired the meeting, which was also attended by Principal Deputy High Representative, Ambassador Michael Steiner. Two *“Quick Start Package”* (QSP) Laws were adopted: the Law on Customs Policy and the Law on Foreign Trade Policy, after unanimous agreement on a few minor amendments. Mr. Botic instructed Ministers to send the final versions of these laws to the OHR to ensure their concordance with international standards. The completion of these two laws, along with the Law on Immunity previously agreed, could be ready for transfer to the BiH Parliamentary Assembly as early as next week.

A number of outstanding QSP priority laws still require adoption by the CoM: External Debt (with some drafting problems and questions surrounding its annexes); Customs Tariff (agreement on common tariff

schedule must still be achieved, and questions regarding whether it will be vetted by the Chambers of Commerce); and the Law on Budget Execution and the BiH Budget (neither of which have yet been presented to the CoM).

The next session is scheduled to take place in Lukavica on 3 April.

## Sarajevo

The Commission for the Implementation of the Sarajevo Protocol met on 26 March resulting in the agreement of all representatives on the proposed texts: draft Amendment to the Constitution of the Federation, draft Amendment to the Constitution of the Sarajevo Canton, Statute of the City Sarajevo and a Side Agreement on the Implementation of Sarajevo Protocol with its two annexes. Deputy HR, Michael Steiner, who mediated in the meeting, witnessed the endorsement of the texts on 27 March in a signing ceremony by Party representatives: for SDA – Edhem Bicakcic and Midhat Haracic, for HDZ – Bozo Raic and Anto Zelic, for SDP – Zlatko Lagumdzija and Mustafa Beganovic, for UBSD – Slavisa Sucur and Nermin Pecanac, and for SBiH – Raib Salihefendic and Beriz Belkic.

An understanding on Novo Sarajevo was also agreed, in which it was decided that the OHR would provide a solution for the disputed mandates in the Municipal Council of Novo Sarajevo on the basis of the law, which would be final and binding. It was also decided that the Mayor of Novo Sarajevo would keep his office until the next municipal elections and would not be challenged in the Municipal Council. The Municipal Council would elect a member of the SDP as chair by 9 April.

## OSCE / Elections

The OSCE issued a press release on 20 March informing of the Provisional Election Commission (PEC) decision that under Article 5A of the 1997 Rules and Regulations for the Municipal Elections in BiH, it had been agreed that In-Country Voter Registration would begin on 5 May and end on 16 June. The OSCE would exercise an option to extend the period of voter registration for a period not to exceed 14 days. Under the same Article, Out-of-Country Voter Registration would begin on 5 May and end on 7 June.

## RS / FRY Relations

The High Representative, Carl Bildt, issued a statement on 21 March in response to the 20 March decision by the Parliamentary Assembly of the Federal Republic of Yugoslavia to ratify the RS / FRY Agreement on Special Parallel Relations. Bildt said that it had been made clear to the FRY Government that the agreement was not consistent with the Peace Agreement and the Constitution of BiH, and that ratification should not take place until it had been brought into line with these. *“By totally disregarding this, the regime in Belgrade has demonstrated that it is not fully committed to the Peace Agreement for Bosnia but is prepared to disregard it when it suits its interests”*, he said. *“If the procedure over this agreement in Belgrade shows disregard for the Peace Agreement in a way which must have serious consequences, the internal procedures inside the RS seem to be making a complete mockery of its own constitution. There is hardly a relevant provision in the constitution of RS which has not been disregarded or violated in the effort to hammer this procedure through”*, he added. Although the agreement could not enter into force until ratified by the BiH Parliamentary Assembly, Mr. Bildt said that the procedures now seen in both Belgrade and Pale had shown disregard both for the Peace Agreement and for the constitutional procedure that this would affect the attitude of the international community towards them.

## Media Issues

- Members of the Steering Committee (SC) of the Open Broadcast Network (OBN), including representatives of the European Commission, the US State Department, USAID, OSCE, the

British Foreign Commonwealth Office and OHR met at the OHR in Sarajevo on 26 March. The meeting was held to establish clear terms of reference and authority for the SC for it to be able to act on behalf of the donors of the OBN Governing Council in providing direction, advice and guidance on operational and management issues of the network. Additionally, the meeting established a broad consensus on financial control and accountability issues for Stage 2 of the project, and the priority requirement to reconcile all outstanding issues from Stage 1. The SC endorsed the view that there was a priority need to set a timetable for recruitment for the full-time senior management structure, including Chief Executive Officer, with an aim to developing and improving programming output.

- The Federation Forum Special Group on the status and organisation of the broadcast media met for the third time on 27 March at OHR. Representatives of the two Federation partners expressed their satisfaction with the draft public information law prepared by the European Institute for Media and recommended its use as a basis for further discussions on this subject. It was agreed, accordingly, that a working group be created to further develop the draft law before submitting it in the form of a proposal to the Federation Forum. It was also agreed that a second technical working group be set up to conduct an inventory of the media and assets available and currently operating in the Federation. It is expected that the two groups will be formed in the course of next month to begin operating as soon as the terms of reference of each have been agreed.
- The OSCE hosted its second Inter-Entity journalists conference, entitled *“Media in a Conflict Environment”*, in Mostar on 21-22 March, which was attended by over 100 journalists and other media professionals. Speakers included members of the Political Science Department of Sarajevo University, the BBC Training Programme of the Soros Media Centre, the editorial board of the new Inter-Entity youth magazine *Nepitani* (*“those not asked”*), USAID and Zagreb’s Radio 101. Journalists agreed that their main priority was the re-establishment of telephone communications between the two entities, and the provision of such phone lines to media organisations for professional use. The next conference is scheduled to be held in Banja Luka in April.

## Economic Assistance

- A contract on US Assistance for BiH post-war reconstruction, worth 71 million USD was signed on 20 March between US Special Envoy, Claude Ganz, and Co-Chair of the CoM, Haris Silajdzic. The first programme, worth 52 million USD will be used for infrastructure restoration through the repair of the thermal power plant at Kakanj, the Tuzla Brcko railway, including the Brcko bridge, and improvement of water supplies, education and health sectors. The remaining 19 million USD will be made available through loans as assistance to financial institutions.
- On 21 March the Japanese Government announced that it had decided to extend emergency grant aid totalling 23.82 million USD international organisations to assist refugees and displaced persons of the former Yugoslavia. The breakdown between the international organisations is as follows:

UNHCR:	13,070,000 USD
World Food Programme:	4,680,000 USD
UNICEF:	1,030,000 USD
UNHCHR:	200,000 USD
IOM:	1,770,000 USD
ICRC:	2,890,000 USD

The aid will be used for the procurement of food and daily necessities, urgent repair of shelters, health and medical care assistance, monitoring of human rights, promotion of repatriation of refugees and displaced persons, and other purposes.

## Looking Ahead

### 2 April

Steering Board of the Peace Implementation Council meet in Istanbul

### 3 April

Council of Ministers Session, Lukavica

### 12-13 April

Scheduled visit to Sarajevo by Pope John Paul II

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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