

## **Letter from Amb.Steiner, 24 February 1997**

### **Addendum to the Letter of Ambassador Steiner to President Izetbegovic and President Zubak**

#### **I. Implementation of the Decisions on Mostar of 12 February**

1. The Reinstatement Team (composed of Mostar police, UN IPTF, and SFOR) formed under Point 4 of the Decisions on Mostar has now successfully assisted in allowing all persons illegally evicted in the wake of the events on 10 February to return to their homes. The Team will continue its work. In particular, it will reinstate any persons who the Mostar Deputy Federation Ombudsman has determined were illegally evicted, should the authorities fail to act promptly to implement the Ombudsman's findings.
2. While the number of illegal evictions has substantially decreased, the threat of illegal eviction continues to cause many Mostar citizens to fear for their safety in their own homes. The report submitted by the Cantonal Minister of Interior and his Deputy relating to reinstatements will be supplemented by 1 March with an additional report concerning the specific steps taken by the authorities to investigate all cases of illegal evictions, as well as attempted evictions and threats, and to prosecute those responsible, as required by Point 4 of the Decisions.
3. As of 24 February; Point 6 of the Decisions on Mostar regarding the commitment to the United Police Force of Mostar and the full participation in its work has not been implemented. President Izetbegovic and President Zubak will ensure that the police receive immediate instructions resume participation including in the joint headquarters.
4. Freedom of movement, under Point 8 of the Decisions, has not been fully established. Additional measures must be taken to restore confidence so that the citizens of Mostar feel able to move freely, including the removal of the sleeping policemen on the Boulevard.
5. Implementation of Point 10 regarding maximum restraint in public statements remains vital. In particular in light of the findings of the UN IPTF Report, the statement by the Ministry of Interior of the Herzegovina-Neretva Canton on the opening of criminal investigations against the Deputy Mayor of Mostar and others in connection with the events of 10 February is unacceptable. The Minister of Interior, Mr. Valentin Coric, is requested to immediately retract this statement publicly.

#### **II. Conclusions to Be Drawn from the UN IPTF Report**

1. The UN IPTF will deliver its Report to the Government of the Herzegovina-Neretva Canton, to the judicial authorities of the Canton and the West Mostar police for further action.
2. Mr. Ivan Hrkac, Deputy Chief of the West Mostar Police, and Mr. Zeljko Planinic, West Mostar police officer, have been identified as firing at the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February 1997. One plainclothes officer, Bozo Peric, was identified by witnesses and seen firing into the crowd. The authorities shall immediately dismiss the three men from office and issue arrest warrants for them. The authorities will take all necessary steps to ensure their arrest by 26 February and to

prosecute these men to the full extent of the law.

3. Police officers Mr. Zeljko Pavlovic and Mr. Josip Cvitanovic have been photographed with their weapons drawn during the shooting. The authorities shall indefinitely suspend them from their duties by 26 February. A criminal investigation shall be initiated against both men, as well as against the as-yet unidentified police officer who was also photographed with his weapon drawn.
4. The criminal investigation of Mr. Hrkac, Mr. Planinic, Mr. Peric, Mr. Pavlovic and Mr. Cvitanovic will be pursued vigorously and will be completed as soon as possible. Upon completion of the criminal investigation, these cases will be brought to trial before an independent and impartial court and prosecuted to the full extent of the law.
5. All police officers identified as being present at Kneza Mihajla Humskog/former Liska Street on 10 February will be investigated to determine their involvement in the violence. Any police officer who assaulted, without and legal basis, any of the marchers will be immediately suspended from duty and will be criminally prosecuted.
6. Any person convicted in relation to the events of 10 February will be dismissed from office and barred from holding other public office or employment.
7. In accordance with Annex 11 to the Peace Agreement, UN IPTF will have complete access to any site, person, activity, proceeding, record or other item or event throughout the criminal investigation and legal proceedings. Trials will be open to the public.
8. The Chief of the West Mostar Police, Mr. Marko Radic, did not fulfil his obligations under the Decisions on Mostar to co-operate fully and in good faith with the UN IPTF Special Investigation Group. He will be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.
9. The Principal Deputy High Representative will immediately recommend to the EU Governments and the Steering Board members to bar Mr. Hrkac, Mr. Planinic and Mr. Peric from travelling to Europe and overseas. Should others be found guilty in the upcoming judicial procedures, similar recommendations will be made regarding these persons.
10. The Report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks prior to and after the 10 February event illustrates the serious absence of professional police leadership throughout the area. Therefore, President Izetbegovic and President Zubak are requested to replace the police leadership on both sides of the Neretva with professional police officers.

### **III. Request for an Additional Report by UN IPTF and the HRCC**

UN IPTF in cooperation with the Human Rights Coordination Centre of the Office of the High Representative will submit an additional report detailing the incidents preceding and following the events of 10 February, including detention and assaults of motorists on the M-17 road. This report will be submitted to the Principals of the Major Implementation Agencies in Bosnia and Herzegovina and to the Contact Group within ten days. The Federation Partners agree to accept and endorse this report in full and to draw the necessary conclusions from it.

### **IV. Federation Implementation**

1. The Sarajevo Protocol must be implemented without delay. The Sarajevo Working Group shall complete its work within two weeks. The necessary amendments of the Federation and Canton Constitution shall be adopted by the Assemblies by 14 March. On 15 March,

the City Council shall constitute itself, adopt the City Statute and elect the new Mayor of the City of Sarajevo.

2. In parallel, work on the amendments of the Federation and Herzegovina-Neretva Canton constitutions regarding Mostar shall be completed and the amendments shall be adopted by the Assemblies by 14 March.
3. The Advisory Commission on municipal reforms shall conclude its work on split municipalities and the formation of a first group of new municipalities as agreed in the Commission by 25 February. The Federation House of Representatives shall adopt the Draft Law on 28 February.
4. President Izetbegovic and President Zubak will be personally available to ensure that any obstacle to the implementation of points 1-3 above will be overcome and the deadlines met.
5. The next Federation Forum will devote its attention to the security situation in the Federation, in particular in Central Bosnian municipalities. For this purpose, the Federation Ombudsmen together with the Human Rights Coordination Centre of the Office of the High Representative will prepare a report to be submitted to the Forum.
6. President Izetbegovic and President Zubak agree to a meeting with the Principal Deputy High Representative and the UNHCR Special Envoy by 7 March concerning return in the Federation in order to decide on how the Federation authorities will overcome present obstacles to return.

## **Office of the High Representative**